

BILL ANALYSIS

Senate Research Center
82R8842 SGA-D

S.B. 1225
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Natural Resources
3/25/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In August 2010, the Texas attorney general issued Opinion No. GA-0792, specifically dealing with the status of land in one groundwater conservation district that is later included in special legislation creating a different groundwater conservation district. The attorney general opined that two different political subdivisions may not exercise jurisdiction over the same territory at the same time and for the same purposes.

S.B. 1225 is needed to conform to recent interpretations of current law. At issue is 14,202 acres of land in Caldwell County currently included in both the Plum Creek Conservation District (PCCD) and the Gonzales County Underground Water Conservation District (GCUWCD).

Attorney General Opinion No. GA-0792 indicates that, absent legislation to the contrary, no territory can be within the jurisdiction of two political subdivisions of the state for the same purpose at the same time. S.B. 1225 removes the acreage from GCUWCD's territorial boundaries. The territory remains in the PCCD. Unlike a dual annexation area in Bastrop County, there is a great deal of potential groundwater production in these 14,000 acres. The landowners were notified of the legislation and asked to choose which district they would like to be part of. Most of the landowners have pending permits before one of the districts.

As proposed, S.B. 1225 amends current law relating to the deannexation of land in Caldwell County by the Gonzales County Underground Water Conservation District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires the board of the Gonzales County Underground Water Conservation District (board; GCUWCD), not later than the 30th day after the effective date of this Act, to declare by resolution that any GCUWCD territory located in Caldwell County is excluded from the territory of GCUWCD. Requires the board to file a copy of the resolution in the office of the county clerk of Caldwell County. Requires the county clerk to record the resolution in the county records. Provides that on the date the resolution is recorded, the excluded territory is no longer part of GCUWCD.

SECTION 2. Effective date: upon passage or September 1, 2011.