

By: Kacal, Guerra

H.B. No. 4122

A BILL TO BE ENTITLED

AN ACT

relating to the transference of certain territory from one groundwater conservation district to another.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 36, Water Code, is amended by adding Subchapter J-1 to read as follows:

SUBCHAPTER J-1. TRANSFER OF CERTAIN TERRITORY

Sec. 36.341. PETITION TO TRANSFER. The owner of a contiguous parcel of land that is greater than 1,000 acres in area and is included in the territory of two or more groundwater conservation districts by a petition presented to the districts may request that the districts transfer portions of their territories as necessary for the entire parcel to be included in the territory of a single district only if:

(1) the districts in which the parcel of land is located have regulatory authority over the same aquifer or subdivision of an aquifer that underlies the parcel of land;

(2) the district to which the owner of the land petitions the parcel of land to be transferred contains the portion of the parcel of land with the greatest amount of taxable value of property compared to each other portion of the parcel of land that is located in another district;

(3) none of the land included in the parcel has been transferred under this subchapter by a previous petition; and

1 (4) all of the districts in which the parcel is located
2 agree to the transfer.

3 Sec. 36.342. REQUIREMENTS FOR PETITION. (a) A petition
4 submitted under this subchapter must accurately describe the
5 boundaries of the parcel. The petitioner must provide a copy of the
6 petition to each district in which the land described by Section
7 36.341 is located.

8 (b) The petition must state the taxable value of the portion
9 of the parcel of land in each district.

10 Sec. 36.343. HEARING. (a) Each district, on receiving a
11 petition under this subchapter, shall hold a hearing on the matter
12 of the transfer requested in the petition.

13 (b) The board of each district by order shall set a time and
14 place to hold a hearing on the petition to include or exclude the
15 parcel in the district. The hearing may be held not earlier than
16 the 31st day after the date on which the board issues the order.

17 (c) The secretary of the board shall give notice of the
18 hearing. The notice must contain the time and place for the hearing
19 and a description of the parcel proposed to be annexed into or
20 excluded from the district.

21 (d) The secretary shall:

22 (1) post copies of the notice in three public places in
23 the district and one public place in the parcel proposed to be
24 annexed into or excluded from the district for at least 15 days
25 before the date of the hearing; and

26 (2) not later than the 16th day before the date on
27 which the hearing will be held, publish the notice once in a

1 newspaper of general circulation in the county.

2 (e) If after the hearing the board finds that annexation of
3 the parcel into the district or exclusion of the parcel from the
4 district would be feasible and would benefit the district, the
5 board may approve the annexation or exclusion by a resolution
6 entered in its minutes. The board is not required to include or
7 exclude all of the parcel described in the petition if the board
8 finds that a change is necessary or desirable.

9 (f) If the board of each district approves the transfer on
10 the same terms, the districts may enter into an agreement to
11 effectuate the transfer of territory as the boards agree and within
12 a reasonable period of time. If a district from which territory is
13 to be excluded under this section has outstanding debt or
14 obligations, that district and the district to which the territory
15 is to be added shall include in the agreement terms that ensure that
16 the debts of the originating district are not impaired by the
17 transfer of the territory.

18 Sec. 36.344. NOTIFICATION OF COMMISSION. Each district
19 that adds or removes territory under this subchapter shall notify
20 the commission of the change in territory.

21 SECTION 2. This Act takes effect January 1, 2018.