

By: Kacal

H.B. No. 4122

Substitute the following for H.B. No. 4122:

By: Larson

C.S.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:

9 (1) state the taxable value of the portion of the
10 parcel of land in each district; and

11 (2) contain a statement from the district proposed to
12 receive the portion of the parcel of land that the district is
13 willing to accept the land.

14 Sec. 36.343. ACTIONS ON RECEIVING PETITION. (a) Each
15 district, on receiving a petition under this subchapter, may enter
16 into an agreement with the other district or districts to
17 effectuate the transfer of territory as requested and within a
18 reasonable period of time. If a district from which territory is to
19 be removed under this section has outstanding debt or obligations,
20 that district and the district to which the territory is to be added
21 shall include in the agreement terms that ensure that the debts of
22 the originating district are not impaired by the transfer of the
23 territory.

24 (b) On entering the agreement, the districts shall adopt a
25 joint resolution approving the petition. The resolution must
26 provide the date on which the transfer is to be effective. On that
27 date, the requested land is annexed to the territory of the district

1 that is proposed to receive the land.

2 Sec. 36.344. NOTIFICATION OF COMMISSION. Each district
3 that adds or removes territory under this subchapter shall notify
4 the commission of the change in territory.

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