

BILL ANALYSIS

Senate Research Center
81R15756 SLB-F

H.B. 1518
By: Corte (Wentworth)
Natural Resources
5/11/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Trinity Glen Rose Groundwater Conservation District (district) is located within the northern crescent of Bexar County, between Loop 1604 and the county line, and within the corporate limits of the city of Fair Oaks Ranch, portions of which are in Comal and Kendall counties. The district was created in 2001 and has been confirmed and has an approved management plan.

H.B. 1518 amends current law relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater 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. Amends Section 13, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Authorizes the board of directors, except as provided by Subsection (i) of this section, to impose fees, rather than impose reasonable fees, on each nonexempt well in the Trinity Glen Rose Groundwater Conservation District (district).

(b-1) Prohibits the district from imposing a fee under Subsection (b) of this section in an amount greater than \$1 per acre-foot for water used for agricultural purposes or \$40 per acre-foot for water used for any other purpose.

SECTION 2. Amends Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 19A, as follows:

Sec. 19A. EFFECT OF ANNEXATION OF LAND BY CERTAIN MUNICIPALITIES.
(a) Defines "inhabited land" and "vacant land."

(b) Provides that if a municipality that has held an election under Section 19 of this Act subsequently annexes vacant land that is not located in the groundwater conservation district chosen by the municipality in the election, the annexed vacant land by that action becomes part of the territory of the groundwater conservation district chosen by the municipality in the election and is disannexed from any other groundwater conservation district in which the land is located.

(c) Authorizes the landowners of the annexed inhabited land, if a municipality that has held an election under Section 19 of this Act subsequently annexes inhabited land that is not located in the groundwater conservation district chosen by the municipality in the election, to file a petition with the groundwater conservation district requesting inclusion in that district as provided by Subchapter J (Adding Territory to District), Chapter 36 (Groundwater Conservation Districts), Water Code. Requires that the petition, notwithstanding Section 36.325(b) (relating to requirements of the petition), Water Code, be signed by all of the landowners of the land to be annexed by the groundwater

conservation district. Requires the municipality, if the affected landowners do not file a petition as provided by this subsection, to hold an election under Section 19 of this Act in which the voters in the annexed inhabited land are authorized to choose the one groundwater conservation district of which the annexed land will be a part.

(d) Provides that any land annexed by the municipality after an election under Section 19 of this Act and before the effective date of this section is territory of the district chosen by the municipality in the election and disannexed from any other groundwater conservation district in which the land is located.

(e) Provides that a disannexation of a district's territory under this section does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations of that district. Provides that property disannexed under this section is not released from its pro rata share of any indebtedness of that district at the time of the disannexation, and that district is authorized to continue to tax the property until that debt is paid.

SECTION 3. (a) Provides that all governmental acts and proceedings of the Trinity Glen Rose Groundwater Conservation District relating to the annexation of territory to the municipality or to the district that were taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 4. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. Effective date: upon passage or September 1, 2009.