

BILL ANALYSIS

Senate Research Center
82R9119 SGA-D

S.B. 1257
By: Hegar, Watson
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1257 seeks to ensure county support before existing water districts in one county are able to annex land in another county.

This bill was filed in an attempt to protect landowners from developments encroaching into a community without first seeking local input and support. The bill requires that a water district, seeking to annex land that is noncontiguous and in a different county as the original district, must first get consent from the county commissioners court of the county from which the district is annexing land.

Historically, county consent has not been a requirement for the creation of certain water districts, although many counties would like to have that authority. Some water district attorneys have voiced concern that this is a way for counties to eventually have that authority.

This legislation stems from an ongoing issue in Bastrop and Travis Counties, where an entity is exploring the idea of annexing land in Bastrop County for development, despite the fact that the entirety of the existing district is located in Travis County and an estimated 12 miles from the proposed annexed property.

As proposed, S.B. 1257 amends current law relating to the annexation by certain conservation and reclamation districts of noncontiguous land in another county.

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 Subchapter J, Chapter 49, Water Code, by adding Section 49.3021, as follows:

Sec. 49.3021. COUNTY CONSENT FOR CERTAIN ANNEXATIONS. Requires the county commissioners of the county in which the land to be annexed is located to consent by order or resolution to the proposed annexation before a district is authorized to annex land that is noncontiguous to the district and located wholly or partly in a county other than the county or counties in which the district is located before the annexation.

SECTION 2. Provides that Section 49.3021, Water Code, as added by this Act, applies only to a petition requesting the annexation of land received by a district board under Section 49.301 (Adding Land by Petition of Landowner) or 49.302 (Adding Land by Petition of Less Than All the Landowners), Water Code, on or after the effective date of this Act. Provides that a petition requesting the annexation of land received by a district board under Section 49.301 or 49.302, Water Code, before the effective date of this Act is governed by the law in effect on the date the petition is received, and that law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2011.