

BILL ANALYSIS

Senate Research Center

H.B. 4122
By: Kacal; Guerra (Hinojosa)
Agriculture, Water & Rural Affairs
5/15/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4122 amends the Water Code to authorize 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 to request, by a petition presented to the districts, 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: 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, 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, none of the land included in the parcel has been transferred in such a manner by a previous petition, and all of the districts in which the parcel is located agree to the transfer. The bill requires the petitioner to provide a copy of the petition to each district in which the land is located and requires the petition to accurately describe the boundaries of the parcel, state the taxable value of the portion of the parcel of land in each district, and contain a statement from the district proposed to receive the portion of the parcel of land that the district is willing to accept the land. H.B. 4122 authorizes each district, on receiving such a petition, to enter into an agreement with the other district or districts to effectuate the transfer of territory as requested and within a reasonable period of time. If a district from which territory is to be removed has outstanding debt or obligations, the bill requires that district and the district to which the territory is to be added to include in the agreement terms that ensure that the debts of the originating district are not impaired by the transfer of the territory. The bill requires the districts, on entering the agreement, to adopt a joint resolution approving the petition. The bill requires the resolution to provide the date on which the transfer is to be effective and establishes that on that date the requested land is

H.B. 4122 amends current law relating to the transference of certain territory from one groundwater conservation district to another.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC) the following amendments affect the Texas Commission on Environmental Quality as the successor agency to TNRCC.]

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 Chapter 36, Water Code, by adding Subchapter J-1, as follows:

SUBCHAPTER J-1. TRANSFER OF CERTAIN TERRITORY

Sec. 36.341. PETITION TO TRANSFER. Authorizes 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 to 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 certain conditions are met.

Sec. 36.342. REQUIREMENTS FOR PETITION. (a) Requires that a petition submitted under this subchapter accurately describe the boundaries of the parcel. Requires the petitioner to provide a copy of the petition to each district in which the land described by Section 36.341 is located.

(b) Requires that the petition state the taxable value of the portion of the parcel of land in each district.

Sec. 36.343. HEARING. (a) Requires each district, on receiving a petition under this subchapter, to hold a hearing on the matter of the transfer requested in the petition.

(b) Requires the board of directors of a district of each district by order to set a time and place to hold a hearing on the petition to include or exclude the parcel in the district. Authorizes the hearing to be held not earlier than the 31st day after the date on which the board issues the order.

(c) Requires the secretary of the board (secretary) to give notice of the hearing. Requires that the notice contain the time and place for the hearing and a description of the parcel proposed to be annexed into or excluded from the district.

(d) Requires the secretary to post copies of the notice in three public places in the district and one public place in the parcel proposed to be annexed into or excluded from the district for at least 15 days before the date of the hearing and, not later than the 16th day before the date on which the hearing will be held, publish the notice once in a newspaper of general circulation in the county.

(e) Authorizes the board, if after the hearing the board finds that annexation of the parcel into the district or exclusion of the parcel from the district would be feasible and would benefit the district, to approve the annexation or exclusion by a resolution entered in its minutes. Provides that the board is not required to include or exclude all of the parcel described in the petition if the board finds that a change is necessary or desirable.

(f) Authorizes the districts, if the board of each district approves the transfer on the same terms, to enter into an agreement to effectuate the transfer of territory as the boards agree and within a reasonable period of time. Requires a district from which territory is to be excluded under this section and the district to which the territory is to be added, if that district has outstanding debt or obligations, to include in the agreement terms that ensure that the debts of the originating district are not impaired by the transfer of the territory.

Sec. 36.344. NOTIFICATION OF COMMISSION. Requires each district that adds or removes territory under this subchapter to notify the Texas Natural Resource Conservation Commission of the change in territory.

SECTION 2. Effective date: January 1, 2018.