

By: Isaac, Rodriguez of Travis

H.B. No. 3405

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the territory and authority of the Barton  
3 Springs-Edwards Aquifer Conservation District to regulate certain  
4 wells for the production of groundwater.

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

6 SECTION 1. Subchapter A, Chapter 8802, Special District  
7 Local Laws Code, is amended by adding Section 8802.0035 to read as  
8 follows:

9 Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The  
10 territory of the district includes any territory that is:

11 (1) inside the boundaries of:

12 (A) the Edwards Aquifer Authority; and

13 (B) Hays County; and

14 (2) not within the boundaries of the Plum Creek  
15 Conservation District as those boundaries existed on February 1,  
16 2015.

17 (b) The Edwards Aquifer Authority has jurisdiction over any  
18 well that is drilled to produce water from the Edwards Aquifer in  
19 the shared territory described by Subsection (a).

20 (c) The district has jurisdiction over any well that is  
21 drilled to produce water from any aquifer other than the Edwards  
22 Aquifer in the shared territory described by Subsection (a).

23 (d) Except for the district and the Edwards Aquifer  
24 Authority, no district or authority created under Section 52,

1 Article III, or Section 59, Article XVI, Texas Constitution, has  
2 authority in the shared territory described by Subsection (a) to  
3 regulate the spacing of water wells or the production from water  
4 wells.

5 (e) The district has jurisdiction over any well that is  
6 drilled to produce water from the Edwards Aquifer or any other  
7 aquifer in the territory described by Section 8802.003.

8 SECTION 2. As soon as practicable after the effective date  
9 of this Act, and in conformance with the requirements of Section  
10 8802.053, Special District Local Laws Code, the board of directors  
11 of the Barton Springs-Edwards Aquifer Conservation District shall  
12 revise the single-member districts as the board considers  
13 appropriate to reflect the changes in territory made by Section  
14 8802.0035, Special District Local Laws Code, as added by this Act.

15 SECTION 3. (a) The legislature validates and confirms all  
16 acts and proceedings of the board of directors of the Barton  
17 Springs-Edwards Aquifer Conservation District that were taken  
18 before the effective date of this Act.

19 (b) Subsection (a) of this section does not apply to any  
20 matter that on the effective date of this Act:

21 (1) is involved in litigation if the litigation  
22 ultimately results in the matter being held invalid by a final  
23 judgment of a court; or

24 (2) has been held invalid by a final judgment of a  
25 court.

26 SECTION 4. (a) The legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

6 (b) The governor, one of the required recipients, has  
7 submitted the notice and Act to the Texas Commission on  
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed  
10 its recommendations relating to this Act with the governor, the  
11 lieutenant governor, and the speaker of the house of  
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this  
14 state and the rules and procedures of the legislature with respect  
15 to the notice, introduction, and passage of this Act are fulfilled  
16 and accomplished.

17 SECTION 5. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2015.