

By: Raymond

H.B. No. 5401

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Webb County Groundwater Conservation District; providing authority to impose fees.

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

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8889 to read as follows:

CHAPTER 8889. WEBB COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8889.0101. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Commissioners court" means the Webb County Commissioners Court.

(3) "Director" means a member of the board.

(4) "District" means the Webb County Groundwater Conservation District.

Sec. 8889.0102. NATURE OF DISTRICT. The district is a groundwater conservation district in Webb County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8889.0103. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the

1 district under the powers conferred by Section 59, Article XVI,  
2 Texas Constitution.

3 Sec. 8889.0104. DISTRICT TERRITORY. The district's  
4 boundaries are coextensive with the boundaries of Webb County,  
5 unless the district's territory has been modified under:

- 6 (1) Subchapter J or K, Chapter 36, Water Code; or  
7 (2) other law.

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. 8889.0201. COMPOSITION OF BOARD. The district is  
10 governed by a board of six appointed directors.

11 Sec. 8889.0202. TERMS AND APPOINTMENT OF DIRECTORS. (a)  
12 Directors serve staggered four-year terms. Directors are appointed  
13 by the commissioners court as follows:

14 (1) one director is appointed to represent a water  
15 supply corporation in the county;

16 (2) one director is appointed to represent municipal  
17 interests in the county; and

18 (3) four directors are appointed with one director  
19 appointed from each of the four commissioners court precincts.

20 (b) To be appointed under this section, a person:

21 (1) to the extent practicable, should be familiar with  
22 the use of water by industry and commerce, municipal and rural  
23 utilities, agriculture, and private wells; and

24 (2) does not need to be a registered voter or own land  
25 in Webb County.

26 (c) To the extent practicable:

27 (1) at least one director should be a licensed

1 attorney with experience in groundwater regulation; and

2 (2) at least one director should be a registered  
3 professional engineer.

4 Sec. 8889.0203. VACANCIES. If there is a vacancy on the  
5 board, the commissioners court shall appoint a person to fill the  
6 vacancy for the remainder of the term in a manner that meets the  
7 representational requirements of Section 8889.0202.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8889.0301. GROUNDWATER CONSERVATION DISTRICT POWERS  
10 AND DUTIES. The district has the rights, powers, privileges,  
11 functions, and duties provided by the general law of this state,  
12 including Chapter 36, Water Code, applicable to groundwater  
13 conservation districts created under Section 59, Article XVI, Texas  
14 Constitution.

15 Sec. 8889.0302. PROTECTION OF GROUNDWATER QUALITY. (a) To  
16 the extent authorized by law, the district may participate in the  
17 regulation of the disposal of waste into an aquifer in Webb County,  
18 including the Carrizo-Wilcox Aquifer.

19 (b) In response to an application filed with a state agency  
20 to dispose of waste that could affect the water quality of the  
21 Carrizo-Wilcox Aquifer within Webb County, the state agency shall  
22 provide the district with notice of the application and give the  
23 district the opportunity to participate in any hearings on the  
24 application.

25 Sec. 8889.0303. LIMITATION ON TAXES. The district may not  
26 impose a tax in the district.

27 Sec. 8889.0304. FEES. The district may assess a fee as

1 authorized by Section 36.205, Water Code.

2 Sec. 8889.0305. NO EMINENT DOMAIN. The district may not  
3 exercise the power of eminent domain.

4 SECTION 2. Not later than December 31, 2023, the Webb County  
5 Commissioners Court shall appoint the directors of the Webb County  
6 Groundwater Conservation District as provided by Section  
7 8889.0202, Special District Local Laws Code, as added by this Act.

8 SECTION 3. Until new desired future conditions are approved  
9 by Groundwater Management Area 13 with the participation of the  
10 Webb County Groundwater Conservation District, the modeled  
11 available groundwater from the Carrizo-Wilcox Aquifer in Webb  
12 County is considered to be 50,000 acre-feet per year for the purpose  
13 of amendments to the 2021 Region M regional water plan.

14 SECTION 4. (a) The legal notice of the intention to  
15 introduce this Act, setting forth the general substance of this  
16 Act, has been published as provided by law, and the notice and a  
17 copy of this Act have been furnished to all persons, agencies,  
18 officials, or entities to which they are required to be furnished  
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
20 Government Code.

21 (b) The governor, one of the required recipients, has  
22 submitted the notice and Act to the Texas Commission on  
23 Environmental Quality.

24 (c) The Texas Commission on Environmental Quality has filed  
25 its recommendations relating to this Act with the governor, the  
26 lieutenant governor, and the speaker of the house of  
27 representatives within the required time.

1           (d) All requirements of the constitution and laws of this  
2 state and the rules and procedures of the legislature with respect  
3 to the notice, introduction, and passage of this Act are fulfilled  
4 and accomplished.

5           SECTION 5. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2023.