

By: Zaffirini

S.B. No. 2570

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 the Legacy Water
5 Control and Improvement District, as described by the Webb County
6 Commissioners Court Order No. 05-09-2022-23, unless the district's
7 territory has been modified under:

8 (1) Subchapter J or K, Chapter 36, Water Code; or

9 (2) other law.

10 Sec. 8889.0105. CONFIRMATION ELECTION. (a) The temporary
11 directors appointed under Section 8889.0202 shall hold an election
12 to confirm the creation of the district.

13 (b) Section 41.001(a), Election Code, does not apply to an
14 election held under this section.

15 (c) Except as provided by this section, a confirmation
16 election must be conducted as provided by Sections 36.017(b)-(i),
17 Water Code, and the Election Code. The provision of Section
18 36.017(d), Water Code, relating to the election of directors does
19 not apply to an election under this section.

20 (d) If the district's creation is not confirmed at an
21 election held under this section, the temporary directors may order
22 one or more subsequent elections to be held to confirm the creation
23 of the district not earlier than the first anniversary of the
24 preceding confirmation election. If the district's creation is
25 not confirmed at an election held under this section before
26 September 1, 2025, the district is dissolved in accordance with
27 Section 8889.0106.

1 (e) The costs of an election held under this chapter may be
2 paid by Webb County.

3 (f) If the creation of the district is not confirmed at a
4 confirmation election held before September 1, 2025:

5 (1) the district is dissolved on September 1, 2025,
6 except that:

7 (A) any debts incurred shall be paid;

8 (B) any assets that remain after the payment of
9 debts shall be transferred to Webb County; and

10 (C) the organization of the district shall be
11 maintained until all debts are paid and remaining assets are
12 transferred; and

13 (2) this chapter expires September 1, 2027.

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8889.0201. GOVERNING BODY; TERMS. (a) The district is
16 governed by a board of six elected directors.

17 (b) Directors serve staggered four-year terms.

18 (c) At the first meeting of the board that follows the
19 initial election of the directors, the six directors shall draw
20 lots to determine which three directors shall serve a term of two
21 years and which three directors shall serve a term of four years.

22 Sec. 8889.0202. TEMPORARY DIRECTORS. (a) The
23 commissioners court shall appoint temporary directors as follows:

24 (1) one director appointed to represent a water supply
25 corporation in the county;

26 (2) one director appointed to represent municipal
27 interests in the county; and

1 (3) four directors appointed with one director from
2 each of the four commissioners court precincts.

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

4 (1) to the extent practicable, must be familiar with
5 the use of water by industry and commerce, municipal and rural
6 utilities, agriculture, and private wells; and

7 (2) must meet the qualifications of a director
8 appointed or elected under Chapter 36, Water Code.

9 (c) Temporary directors serve until the date permanent
10 directors are elected under Section 8889.0203.

11 Sec. 8889.0203. ELECTION DATE. (a) The board shall hold
12 the initial election of directors as provided by Section 36.059,
13 Water Code, on the next uniform election date after the date the
14 creation of the district is confirmed under Section 8889.0105.

15 (b) The district shall hold subsequent elections to elect
16 three directors to the board on a uniform election date in each
17 even-numbered year.

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8889.0301. GROUNDWATER CONSERVATION DISTRICT POWERS
20 AND DUTIES. The district has the rights, powers, privileges,
21 functions, and duties provided by the general law of this state,
22 including Chapter 36, Water Code, applicable to groundwater
23 conservation districts created under Section 59, Article XVI, Texas
24 Constitution.

25 Sec. 8889.0302. PROTECTION OF GROUNDWATER QUALITY. (a) To
26 the extent authorized by law, the district may participate in the
27 regulation of the disposal of waste into an aquifer in Webb County,

1 including the Carrizo-Wilcox Aquifer.

2 (b) In response to an application filed with a state agency
3 to dispose of waste that could affect the water quality of the
4 Carrizo-Wilcox Aquifer within Webb County, the state agency shall
5 provide the district with notice of the application and give the
6 district the opportunity to participate in any hearings on the
7 application.

8 Sec. 8889.0303. LIMITATION ON TAXES. The district may not
9 impose a tax in the district.

10 Sec. 8889.0304. FEES. The district may assess a fee as
11 authorized by Section 36.205, Water Code.

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

14 SECTION 2. Not later than December 31, 2023, the Webb County
15 Commissioners Court shall appoint the temporary directors of the
16 Webb County Groundwater Conservation District as provided by
17 Section 8889.0202, Special District Local Laws Code, as added by
18 this Act.

19 SECTION 3. (a) The legal notice of the intention to
20 introduce this Act, setting forth the general substance of this
21 Act, has been published as provided by law, and the notice and a
22 copy of this Act have been furnished to all persons, agencies,
23 officials, or entities to which they are required to be furnished
24 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
25 Government Code.

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor, the
4 lieutenant governor, and the speaker of the house of
5 representatives within the required time.

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.