

By: Bonnen

H.B. No. 3602

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Brazoria County Groundwater
4 Conservation District.

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

6 SECTION 1. CREATION. (a) A groundwater conservation
7 district, to be known as the Brazoria County Groundwater
8 Conservation District, is created in Brazoria County, subject to
9 approval at a confirmation election under Section 9 of this Act.
10 The district is a governmental agency and a body politic and
11 corporate.

12 (b) The district is created under and is essential to
13 accomplish the purposes of Section 59, Article XVI, Texas
14 Constitution.

15 SECTION 2. DEFINITION. In this Act, "district" means the
16 Brazoria County Groundwater Conservation District.

17 SECTION 3. BOUNDARIES. The boundaries of the district are
18 coextensive with the boundaries of Brazoria County, Texas.

19 SECTION 4. FINDING OF BENEFIT. All of the land and other
20 property included within the boundaries of the district will be
21 benefited by the works and projects that are to be accomplished by
22 the district under powers conferred by Section 59, Article XVI,
23 Texas Constitution. The district is created to serve a public use
24 and benefit.

1 SECTION 5. GENERAL POWERS. Except as provided by Section
2 11 of this Act, the district has all of the rights, powers,
3 privileges, authority, functions, and duties provided by the
4 general law of this state, including Chapter 36, Water Code,
5 applicable to groundwater conservation districts created under
6 Section 59, Article XVI, Texas Constitution. This Act prevails
7 over any provision of general law that is in conflict or
8 inconsistent with this Act.

9 SECTION 6. BOARD OF DIRECTORS. (a) The district is
10 governed by a board of five directors.

11 (b) Temporary directors serve until initial directors are
12 elected under Section 9 of this Act.

13 (c) Initial directors serve until permanent directors are
14 elected under Section 10 of this Act.

15 (d) Permanent directors serve staggered four-year terms.

16 (e) Each director must qualify to serve as director in the
17 manner provided by Section 36.055, Water Code.

18 (f) A director serves until the director's successor has
19 qualified.

20 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of
21 directors consists of:

22 (1) four members appointed by the Brazoria County
23 Commissioners Court; and

24 (2) Dennis Ray Davenport, who shall serve as the
25 presiding officer.

26 (b) If a temporary director fails to qualify for office or
27 vacates the office before initial directors are elected, the

1 Brazoria County Commissioners Court shall appoint a new person to
2 fill the vacancy.

3 SECTION 8. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
4 PRECINCTS. (a) The directors of the district shall be elected
5 according to the commissioners precinct method as provided by this
6 section.

7 (b) One director shall be elected by the voters of the
8 entire district, and one director shall be elected from each county
9 commissioners precinct by the voters of that precinct.

10 (c) To be eligible to be a candidate for or to serve as
11 director at large, a person must be a registered voter in the
12 district. To be a candidate for or to serve as director from a
13 county commissioners precinct, a person must be a registered voter
14 of that precinct.

15 (d) A person shall indicate on the application for a place
16 on the ballot:

17 (1) the precinct that the person seeks to represent;
18 or

19 (2) that the person seeks to represent the district at
20 large.

21 (e) When the boundaries of the county commissioners
22 precincts are redrawn under Section 18, Article V, Texas
23 Constitution, a director in office on the effective date of the
24 change, or elected or appointed before the effective date of the
25 change to a term of office beginning on or after the effective date
26 of the change, shall serve the term or the remainder of the term in
27 the precinct to which elected or appointed even though the change in

1 boundaries places the person's residence outside the precinct for
2 which the person was elected or appointed.

3 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

4 (a) The temporary board of directors shall call and hold an
5 election to confirm establishment of the district and to elect
6 initial directors.

7 (b) At the confirmation and initial directors' election,
8 the temporary board of directors shall have placed on the ballot the
9 name of any candidate filing for an initial director's position and
10 blank spaces to write in the names of other persons. A temporary
11 director who is eligible to be a candidate under Section 8 may file
12 for an initial director's position.

13 (c) Section 41.001(a), Election Code, does not apply to a
14 confirmation and initial directors' election held as provided by
15 this section.

16 (d) Except as provided by this section, a confirmation and
17 initial directors' election must be conducted as provided by
18 Sections 36.017(b)-(h), Water Code, and the Election Code.

19 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
20 Tuesday after the first Monday in November of the first
21 even-numbered year after the year in which the district is
22 authorized to be created at a confirmation election, an election
23 shall be held in the district for the election of three directors to
24 serve four-year terms and two directors to serve two-year terms.

25 (b) On the first Tuesday after the first Monday in November
26 of each subsequent second year following the election, the
27 appropriate number of directors shall be elected.

1 SECTION 11. LIMITATIONS ON POWERS. (a) The district may
2 not for any purpose:

- 3 (1) impose a property tax;
4 (2) exercise the power of eminent domain;
5 (3) acquire land;
6 (4) issue or sell bonds; or
7 (5) purchase, sell, transport, or distribute surface
8 water or groundwater.

9 (b) For a water well on private property that is used only
10 for personal or agricultural purposes in Brazoria County, or to
11 otherwise benefit the land on which the well is located, the
12 district may not:

- 13 (1) impose a tax of any type;
14 (2) assess or collect a fee of any type; or
15 (3) require that a meter be placed on the well.

16 SECTION 12. FEE ON GROUNDWATER TRANSFERRED OUT OF DISTRICT.
17 The district may impose a reasonable export fee on groundwater
18 transferred out of the district.

19 SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

20 (a) The proper and legal notice of the intention to introduce this
21 Act, setting forth the general substance of this Act, has been
22 published as provided by law, and the notice and a copy of this Act
23 have been furnished to all persons, agencies, officials, or
24 entities to which they are required to be furnished by the
25 constitution and other laws of this state, including the governor,
26 who has submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

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

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

9 SECTION 14. REPEALER. Chapter 1475, Acts of the 77th
10 Legislature, Regular Session, 2001, is repealed.

11 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
12 takes effect September 1, 2003.

13 (b) If the creation of the district is not confirmed at a
14 confirmation election held under Section 9 of this Act before
15 December 31, 2006, this Act expires on that date.