

1-1 By: Bonnen (Senate Sponsor - Jackson) H.B. No. 3602  
1-2 (In the Senate - Received from the House May 24, 2003;  
1-3 May 24, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 26, 2003, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 26, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation, administration, powers, duties,  
1-9 operation, and financing of the Brazoria County Groundwater  
1-10 Conservation District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. CREATION. (a) A groundwater conservation  
1-13 district, to be known as the Brazoria County Groundwater  
1-14 Conservation District, is created in Brazoria County, subject to  
1-15 approval at a confirmation election under Section 9 of this Act.  
1-16 The district is a governmental agency and a body politic and  
1-17 corporate.

1-18 (b) The district is created under and is essential to  
1-19 accomplish the purposes of Section 59, Article XVI, Texas  
1-20 Constitution.

1-21 SECTION 2. DEFINITION. In this Act, "district" means the  
1-22 Brazoria County Groundwater Conservation District.

1-23 SECTION 3. BOUNDARIES. The boundaries of the district are  
1-24 coextensive with the boundaries of Brazoria County, Texas.

1-25 SECTION 4. FINDING OF BENEFIT. All of the land and other  
1-26 property included within the boundaries of the district will be  
1-27 benefited by the works and projects that are to be accomplished by  
1-28 the district under powers conferred by Section 59, Article XVI,  
1-29 Texas Constitution. The district is created to serve a public use  
1-30 and benefit.

1-31 SECTION 5. GENERAL POWERS. Except as provided by Section  
1-32 11 of this Act, the district has all of the rights, powers,  
1-33 privileges, authority, functions, and duties provided by the  
1-34 general law of this state, including Chapter 36, Water Code,  
1-35 applicable to groundwater conservation districts created under  
1-36 Section 59, Article XVI, Texas Constitution. This Act prevails  
1-37 over any provision of general law that is in conflict or  
1-38 inconsistent with this Act.

1-39 SECTION 6. BOARD OF DIRECTORS. (a) The district is  
1-40 governed by a board of five directors.

1-41 (b) Temporary directors serve until initial directors are  
1-42 elected under Section 9 of this Act.

1-43 (c) Initial directors serve until permanent directors are  
1-44 elected under Section 10 of this Act.

1-45 (d) Permanent directors serve staggered four-year terms.

1-46 (e) Each director must qualify to serve as director in the  
1-47 manner provided by Section 36.055, Water Code.

1-48 (f) A director serves until the director's successor has  
1-49 qualified.

1-50 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of  
1-51 directors consists of:

1-52 (1) four members appointed by the Brazoria County  
1-53 Commissioners Court; and

1-54 (2) Dennis Ray Davenport, who shall serve as the  
1-55 presiding officer.

1-56 (b) If a temporary director fails to qualify for office or  
1-57 vacates the office before initial directors are elected, the  
1-58 Brazoria County Commissioners Court shall appoint a new person to  
1-59 fill the vacancy.

1-60 SECTION 8. METHOD OF ELECTING DIRECTORS: COMMISSIONERS  
1-61 PRECINCTS. (a) The directors of the district shall be elected  
1-62 according to the commissioners precinct method as provided by this  
1-63 section.

1-64 (b) One director shall be elected by the voters of the

2-1 entire district, and one director shall be elected from each county  
2-2 commissioners precinct by the voters of that precinct.

2-3 (c) To be eligible to be a candidate for or to serve as  
2-4 director at large, a person must be a registered voter in the  
2-5 district. To be a candidate for or to serve as director from a  
2-6 county commissioners precinct, a person must be a registered voter  
2-7 of that precinct.

2-8 (d) A person shall indicate on the application for a place  
2-9 on the ballot:

2-10 (1) the precinct that the person seeks to represent;  
2-11 or

2-12 (2) that the person seeks to represent the district at  
2-13 large.

2-14 (e) When the boundaries of the county commissioners  
2-15 precincts are redrawn under Section 18, Article V, Texas  
2-16 Constitution, a director in office on the effective date of the  
2-17 change, or elected or appointed before the effective date of the  
2-18 change to a term of office beginning on or after the effective date  
2-19 of the change, shall serve the term or the remainder of the term in  
2-20 the precinct to which elected or appointed even though the change in  
2-21 boundaries places the person's residence outside the precinct for  
2-22 which the person was elected or appointed.

2-23 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

2-24 (a) The temporary board of directors shall call and hold an  
2-25 election to confirm establishment of the district and to elect  
2-26 initial directors.

2-27 (b) At the confirmation and initial directors' election,  
2-28 the temporary board of directors shall have placed on the ballot the  
2-29 name of any candidate filing for an initial director's position and  
2-30 blank spaces to write in the names of other persons. A temporary  
2-31 director who is eligible to be a candidate under Section 8 may file  
2-32 for an initial director's position.

2-33 (c) Section 41.001(a), Election Code, does not apply to a  
2-34 confirmation and initial directors' election held as provided by  
2-35 this section.

2-36 (d) Except as provided by this section, a confirmation and  
2-37 initial directors' election must be conducted as provided by  
2-38 Sections 36.017(b)-(h), Water Code, and the Election Code.

2-39 SECTION 10. ELECTION OF DIRECTORS. (a) On the first  
2-40 Tuesday after the first Monday in November of the first  
2-41 even-numbered year after the year in which the district is  
2-42 authorized to be created at a confirmation election, an election  
2-43 shall be held in the district for the election of three directors to  
2-44 serve four-year terms and two directors to serve two-year terms.

2-45 (b) On the first Tuesday after the first Monday in November  
2-46 of each subsequent second year following the election, the  
2-47 appropriate number of directors shall be elected.

2-48 SECTION 11. LIMITATIONS ON POWERS. (a) The district may  
2-49 not for any purpose:

2-50 (1) impose a property tax;  
2-51 (2) exercise the power of eminent domain;  
2-52 (3) acquire land;  
2-53 (4) issue or sell bonds; or  
2-54 (5) purchase, sell, transport, or distribute surface  
2-55 water or groundwater.

2-56 (b) For a water well on private property that is used only  
2-57 for personal or agricultural purposes in Brazoria County, or to  
2-58 otherwise benefit the land on which the well is located, the  
2-59 district may not:

2-60 (1) impose a tax of any type;  
2-61 (2) assess or collect a fee of any type; or  
2-62 (3) require that a meter be placed on the well.

2-63 SECTION 12. FEE ON GROUNDWATER TRANSFERRED OUT OF DISTRICT.  
2-64 The district may impose a reasonable export fee on groundwater  
2-65 transferred out of the district.

2-66 SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.  
2-67 (a) The proper and legal notice of the intention to introduce this  
2-68 Act, setting forth the general substance of this Act, has been  
2-69 published as provided by law, and the notice and a copy of this Act

3-1 have been furnished to all persons, agencies, officials, or  
3-2 entities to which they are required to be furnished by the  
3-3 constitution and other laws of this state, including the governor,  
3-4 who has submitted the notice and Act to the Texas Commission on  
3-5 Environmental Quality.

3-6 (b) The Texas Commission on Environmental Quality has filed  
3-7 its recommendations relating to this Act with the governor,  
3-8 lieutenant governor, and speaker of the house of representatives  
3-9 within the required time.

3-10 (c) All requirements of the constitution and laws of this  
3-11 state and the rules and procedures of the legislature with respect  
3-12 to notice, introduction, and passage of this Act are fulfilled and  
3-13 accomplished.

3-14 SECTION 14. REPEALER. Chapter 1475, Acts of the 77th  
3-15 Legislature, Regular Session, 2001, is repealed.

3-16 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
3-17 takes effect September 1, 2003.

3-18 (b) If the creation of the district is not confirmed at a  
3-19 confirmation election held under Section 9 of this Act before  
3-20 December 31, 2006, this Act expires on that date.

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