

By: Puente

H.B. No. 2433

A BILL TO BE ENTITLED

AN ACT

relating to granting to the Upton County Water District the powers and duties of a groundwater conservation district.

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

SECTION 1. Chapter 264, Acts of the 65th Legislature, Regular Session, 1977, is amended by adding Section 8A to read as follows:

Sec. 8A. (a) Subject to approval at a confirmation election, the district has all of the powers and duties provided by Subchapter D, Chapter 36, Water Code. Subchapter D, Chapter 36, Water Code, prevails over any provision of this Act that is in conflict with or inconsistent with that subchapter.

(b) The confirmation election must be conducted as provided by the Election Code and, to the extent practicable, as provided by Sections 36.017(b), (c), (e), (f), and (g) and 36.018, Water Code. In applying those sections of the Water Code:

(1) a reference in Section 36.017 to the "temporary directors" or "temporary board" is considered to be a reference to the permanent board of directors governing the district; and

(2) Section 36.018 applies to a confirmation election under this section in the same way it applies to a creation election or annexation election under Section 36.018.

(c) The ballot for the confirmation election shall be printed to permit voting for or against the proposition: "Granting

1 the powers and duties of a groundwater conservation district to the
2 Upton County Water District."

3 (d) If a majority of the votes cast at the confirmation
4 election are against the proposition, the directors may not hold
5 another election before the first anniversary of the previously
6 held election. If the proposition is not approved before September
7 1, 2010, this section expires on that date.

8 SECTION 2. (a) A confirmation election shall be held under
9 Section 8A, Chapter 264, Acts of the 65th Legislature, Regular
10 Session, 1977, as added by this Act, on the uniform election date in
11 November 2005 if the U.S. Department of Justice has precleared this
12 Act by that time. If this Act has not been precleared by the
13 November uniform election date, the confirmation election shall be
14 held at the next uniform election date following preclearance. The
15 district shall contract with the county clerk of Upton County to
16 conduct the election.

17 (b) If a majority of votes cast at an election held under
18 Subsection (a) are for the granting of the powers and duties of a
19 groundwater conservation district to the Upton County Water
20 District, not later than March 1 of the year following the election,
21 the Upton County Water District shall adopt rules for the issuance
22 of well permits under Section 36.113, Water Code. Not later than
23 April 1 of the year following the election, a person required by
24 Section 36.115, Water Code, to obtain a permit for a well within the
25 jurisdiction of the Upton County Water District shall file an
26 application for a permit with the district in the manner required by
27 Subchapter D, Chapter 36, Water Code, and district rules. The

1 district shall approve or reject a permit application filed as
2 required by this subsection and notify the applicant of the
3 district's decision not later than July 1 of the year following the
4 election.

5 (c) If a majority of votes cast at an election held under
6 Subsection (a) are for the granting of the powers and duties of a
7 groundwater conservation district to the Upton County Water
8 District, Section 36.115, Water Code, applies to a violation that
9 occurs within the jurisdiction of the Upton County Water District
10 after July 1 of the year following the election. For purposes of
11 this section, a violation occurs on or before July 1 of the year
12 following the election, if any element of the violation occurs on or
13 before that date. A violation that occurs on or before July 1 of the
14 year following the election is covered by the law in effect before
15 the effective date of this Act, and the former law is continued in
16 effect for that purpose.

17 SECTION 3. 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, 2005.