

By: Hupp

H.B. No. 3477

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Central Texas Groundwater Conservation District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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 8810 to read as follows:

CHAPTER 8810. CENTRAL TEXAS GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8810.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Central Texas Groundwater Conservation District.

Sec. 8810.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Burnet County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8810.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2007:

(1) the district is dissolved on September 1, 2007,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of  
4 debts shall be transferred to Burnet County; and

5 (C) the organization of the district shall be  
6 maintained until all debts are paid and remaining assets are  
7 transferred; and

8 (2) this chapter expires on September 1, 2010.

9 Sec. 8810.004. INITIAL DISTRICT TERRITORY. The initial  
10 boundaries of the district are coextensive with the boundaries of  
11 Burnet County, Texas.

12 Sec. 8810.005. CONSTRUCTION OF CHAPTER. This chapter shall  
13 be liberally construed to achieve the legislative intent and  
14 purposes of Chapter 36, Water Code. A power granted by Chapter 36,  
15 Water Code, or this chapter shall be broadly interpreted to achieve  
16 that intent and those purposes.

17 Sec. 8810.006. APPLICABILITY OF OTHER GROUNDWATER  
18 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
19 chapter, Chapter 36, Water Code, applies to the district.

20 [Sections 8810.007-8810.020 reserved for expansion]

21 SUBCHAPTER A-1. TEMPORARY PROVISIONS

22 Sec. 8810.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)  
23 Not later than the 45th day after the effective date of this  
24 chapter, five temporary directors shall be appointed as follows:

25 (1) the Burnet County Commissioners Court shall  
26 appoint one temporary director from each of the four commissioners  
27 precincts in the county to represent the precincts in which the

1 temporary directors reside; and

2 (2) the county judge of Burnet County shall appoint  
3 one temporary director who resides in the district to represent the  
4 district at large.

5 (b) If there is a vacancy on the temporary board of  
6 directors of the district, the authority who appointed the  
7 temporary director whose position is vacant shall appoint a person  
8 to fill the vacancy.

9 (c) Temporary directors serve until the earlier of:

10 (1) the time the temporary directors become initial  
11 directors as provided by Section 8810.024; or

12 (2) the date this chapter expires under Section  
13 8810.003.

14 Sec. 8810.022. ORGANIZATIONAL MEETING OF TEMPORARY  
15 DIRECTORS. As soon as practicable after all the temporary  
16 directors have qualified under Section 36.055, Water Code, a  
17 majority of the temporary directors shall convene the  
18 organizational meeting of the district at a location within the  
19 district agreeable to a majority of the directors. If an agreement  
20 on location cannot be reached, the organizational meeting shall be  
21 at the Burnet County Courthouse.

22 Sec. 8810.023. CONFIRMATION ELECTION. (a) The temporary  
23 directors shall hold an election to confirm the creation of the  
24 district.

25 (b) Section 41.001(a), Election Code, does not apply to a  
26 confirmation election held as provided by this section.

27 (c) Except as provided by this section, a confirmation

1 election must be conducted as provided by Sections 36.017(b)-(i),  
2 Water Code, and the Election Code. Section 36.017(d), Water Code,  
3 does not apply to a confirmation election under this section.

4 (d) The ballot for the election must be printed to provide  
5 for voting for or against the proposition: "The creation of the  
6 Central Texas Groundwater Conservation District and the imposition  
7 of a maintenance tax at a rate not to exceed five cents for each \$100  
8 of assessed valuation."

9 (e) If a majority of the votes cast at the election are not  
10 in favor of the creation of the district, the temporary directors  
11 may call and hold a subsequent confirmation election. The  
12 subsequent election may not be held before the first anniversary of  
13 the date on which the previous election was held.

14 (f) The district may not impose a maintenance tax unless the  
15 tax is confirmed under this section.

16 Sec. 8810.024. INITIAL DIRECTORS. (a) If creation of the  
17 district is confirmed at an election held under Section 8810.023,  
18 the temporary directors of the district become the initial  
19 directors of the district and serve on the board of directors until  
20 permanent directors are elected under Section 8810.025.

21 (b) The initial directors representing commissioners  
22 precincts 2 and 4 shall serve a term expiring June 1 following the  
23 first regularly scheduled election of directors under Section  
24 8810.025, and the initial directors representing commissioners  
25 precincts 1 and 3 shall serve a term expiring June 1 following the  
26 second regularly scheduled election of directors. The at-large  
27 director shall serve a term expiring June 1 following the second

1 regularly scheduled election of directors.

2 Sec. 8810.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On  
3 the uniform election date prescribed by Section 41.001, Election  
4 Code, in May of the first even-numbered year after the year in which  
5 the district is authorized to be created at a confirmation  
6 election, an election shall be held in the district for the election  
7 of two directors to replace the initial directors who, under  
8 Section 8810.024(b), serve a term expiring June 1 following that  
9 election.

10 Sec. 8810.026. EXPIRATION OF SUBCHAPTER. This subchapter  
11 expires September 1, 2010.

12 [Sections 8810.027-8810.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8810.051. DIRECTORS; TERMS. (a) The district is  
15 governed by a board of five directors.

16 (b) Directors serve staggered four-year terms, with two or  
17 three directors' terms expiring June 1 of each even-numbered year.

18 (c) A director may serve consecutive terms.

19 Sec. 8810.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS  
20 PRECINCTS. (a) The directors of the district shall be elected  
21 according to the commissioners precinct method as provided by this  
22 section.

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

26 (c) Except as provided by Subsection (e), to be eligible to  
27 be a candidate for or to serve as director at large, a person must be

1 a registered voter in the district. To be a candidate for or to  
2 serve as director from a county commissioners precinct, a person  
3 must be a registered voter of that precinct.

4 (d) A person shall indicate on the application for a place  
5 on the ballot:

6 (1) the precinct that the person seeks to represent;  
7 or

8 (2) that the person seeks to represent the district at  
9 large.

10 (e) When the boundaries of the county commissioners  
11 precincts are redrawn after each federal decennial census to  
12 reflect population changes, a director in office on the effective  
13 date of the change, or a director elected or appointed before the  
14 effective date of the change whose term of office begins on or after  
15 the effective date of the change, shall serve in the precinct to  
16 which elected or appointed even though the change in boundaries  
17 places the person's residence outside the precinct for which the  
18 person was elected or appointed.

19 Sec. 8810.053. ELECTION DATE. The district shall hold an  
20 election to elect the appropriate number of directors on the  
21 uniform election date prescribed by Section 41.001, Election Code,  
22 in May of each even-numbered year.

23 Sec. 8810.054. DIVISION OF MUNICIPALITY. The provision in  
24 Section 36.059(b), Water Code, concerning the division of a  
25 municipal corporation among precincts does not apply to an election  
26 under this chapter.

27 [Sections 8810.055-8810.100 reserved for expansion]

1                   SUBCHAPTER C. POWERS AND DUTIES

2           Sec. 8810.101. DEFINITION. In this subchapter, "man-made  
3 excavation" means a quarry, open pit mine, or similar cut into the  
4 surface of the ground made by a person.

5           Sec. 8810.102. PERMIT CONSIDERATION. Before granting or  
6 denying a permit under Section 36.113, Water Code, the district  
7 shall consider if the proposed use of water unreasonably affects  
8 surrounding landowners.

9           Sec. 8810.103. PERMITS; APPLICABLE RULES. If a permit is  
10 required, the permit holder is subject to rules adopted by the  
11 district to:

12                   (1) conserve, preserve, protect, and recharge the  
13 groundwater or a groundwater reservoir or its subdivisions to  
14 control subsidence, prevent degradation of groundwater quality,  
15 and prevent waste of groundwater; and

16                   (2) carry out any other power or duty under Chapter 36,  
17 Water Code.

18           Sec. 8810.104. IMPACT OF TRANSFER. (a) If the district  
19 finds that a transfer of groundwater out of the district negatively  
20 impacts any of the factors described by Section 36.122(f), Water  
21 Code, the district may impose additional requirements or  
22 limitations on the permit that are designed to minimize those  
23 impacts.

24                   (b) Sections 36.122(c), (e), (i), and (j), Water Code, do  
25 not apply to a requirement or limitation imposed under this  
26 section.

27           Sec. 8810.105. PROHIBITIONS ON WASTE. (a) In this section,

1 "waste" has the meaning assigned by Section 36.001, Water Code, and  
2 additionally means causing or allowing groundwater from a well or  
3 man-made excavation to escape into a river, creek, natural  
4 watercourse, depression, lake, reservoir, drain, sewer, street,  
5 highway, road or road ditch, or onto any land other than that of the  
6 owner of the well or man-made excavation.

7 (b) Waste is prohibited by the district unless the district  
8 determines that the waste will not unduly diminish the groundwater  
9 resources of the district.

10 Sec. 8810.106. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.  
11 The district and another governmental entity, including a river  
12 authority located in the district, may enter into a contract for the  
13 performance by that entity of a district function.

14 Sec. 8810.107. REVENUE. To pay the maintenance and  
15 operating costs of the district and to pay any bonds or notes issued  
16 by the district, the district may:

17 (1) impose ad valorem taxes at a rate not to exceed  
18 five cents on each \$100 of assessed valuation of taxable property;

19 (2) assess fees for services or for water withdrawn  
20 from non-exempt wells or man-made excavations; or

21 (3) solicit and accept grants from any private or  
22 public source.

23 [Sections 8810.108-8810.150 reserved for expansion]

24 SUBCHAPTER D. DISSOLUTION

25 Sec. 8810.151. ELECTION FOR DISSOLUTION. (a) If the  
26 district has no outstanding bond or other long-term indebtedness,  
27 the district may be dissolved by a favorable vote of a majority of



1 the registered voters of the district at an election called for that  
2 purpose.

3 (b) The board shall call a dissolution election if the board  
4 receives a petition for dissolution signed by at least 50 percent of  
5 the registered voters in the district as computed by using the list  
6 of registered voters for Burnet County.

7 (c) If the district is dissolved under this section, the  
8 board shall:

9 (1) notify the Texas Commission on Environmental  
10 Quality and the secretary of state of the dissolution; and

11 (2) transfer title to any assets of the district to  
12 Burnet County.

13 SECTION 2. (a) The legal notice of the intention to  
14 introduce this Act, setting forth the general substance of this  
15 Act, has been published as provided by law, and the notice and a  
16 copy of this Act have been furnished to all persons, agencies,  
17 officials, or entities to which they are required to be furnished  
18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
19 Government Code.

20 (b) The governor has submitted the notice and Act to the  
21 Texas Commission on Environmental Quality.

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

26 (d) All requirements of the constitution and laws of this  
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled  
2 and accomplished.

3 SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2005.