

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 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."

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

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

17 (b) The initial directors representing commissioners
18 precincts 2 and 4 shall serve a term expiring June 1 following the
19 first regularly scheduled election of directors under Section
20 8810.025, and the initial directors representing commissioners
21 precincts 1 and 3 shall serve a term expiring June 1 following the
22 second regularly scheduled election of directors. The at-large
23 director shall serve a term expiring June 1 following the second
24 regularly scheduled election of directors.

25 Sec. 8810.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
26 the uniform election date prescribed by Section 41.001, Election
27 Code, in May of the first even-numbered year after the year in which

1 the district is authorized to be created at a confirmation
2 election, an election shall be held in the district for the election
3 of two directors to replace the initial directors who, under
4 Section 8810.024(b), serve a term expiring June 1 following that
5 election.

6 Sec. 8810.026. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2010.

8 [Sections 8810.027-8810.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

14 (c) A director may serve consecutive terms.

15 Sec. 8810.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
16 PRECINCTS. (a) The directors of the district shall be elected
17 according to the commissioners precinct method as provided by this
18 section.

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

22 (c) Except as provided by Subsection (e), to be eligible to
23 be a candidate for or to serve as director at large, a person must be
24 a registered voter in the district. To be a candidate for or to
25 serve as director from a county commissioners precinct, a person
26 must be a registered voter of that precinct.

27 (d) A person shall indicate on the application for a place

1 on the ballot:

2 (1) the precinct that the person seeks to represent;

3 or

4 (2) that the person seeks to represent the district at
5 large.

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

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

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

23 [Sections 8810.055-8810.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

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

1 Sec. 8810.102. PERMIT CONSIDERATION. Before granting or
2 denying a permit under Section 36.113, Water Code, the district
3 shall consider if the proposed use of water unreasonably affects
4 surrounding landowners.

5 Sec. 8810.103. PERMITS FOR CERTAIN ACTIVITIES; APPLICABLE
6 RULES. (a) The district may require a permit for any activity that
7 extracts groundwater or allows more than 25,000 gallons of
8 groundwater a day to escape, whether through a well or a man-made
9 excavation.

10 (b) If a permit is required under Subsection (a), the permit
11 holder is subject to rules adopted by the 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 (c) To the extent of a conflict, this section controls over
19 Section 36.117(b), Water Code.

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

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

1 section.

2 Sec. 8810.105. PROHIBITIONS ON WASTE. (a) In this section,
3 "waste" has the meaning assigned by Section 36.001, Water Code, and
4 additionally means causing or allowing groundwater from a well or
5 man-made excavation to escape into a river, creek, natural
6 watercourse, depression, lake, reservoir, drain, sewer, street,
7 highway, road or road ditch, or onto any land other than that of the
8 owner of the well or man-made excavation.

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

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

16 Sec. 8810.107. REVENUE. (a) To pay the maintenance and
17 operating costs of the district and to pay any bonds or notes issued
18 by the district, the district may:

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

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

23 (b) The district may not impose ad valorem taxes.

24 [Sections 8810.108-8810.150 reserved for expansion]

25 SUBCHAPTER D. DISSOLUTION

26 Sec. 8810.151. ELECTION FOR DISSOLUTION. (a) If the
27 district has no outstanding bond or other long-term indebtedness,

1 the district may be dissolved by a favorable vote of a majority of
2 the registered voters of the district at an election called for that
3 purpose.

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

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

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

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

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

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