

1-1 By: Hupp (Senate Sponsor - Fraser) H.B. No. 3477
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 23, 2005, sent to printer.)

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

1-8 relating to the creation of the Central Texas Groundwater
1-9 Conservation District; providing authority to impose a tax and
1-10 issue bonds; granting the power of eminent domain.

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

1-12 SECTION 1. Subtitle H, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8810 to read as follows:

1-14 CHAPTER 8810. CENTRAL TEXAS GROUNDWATER

1-15 CONSERVATION DISTRICT

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8810.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "Director" means a member of the board.

1-21 (3) "District" means the Central Texas Groundwater
1-22 Conservation District.

1-23 Sec. 8810.002. NATURE OF DISTRICT. The district is a
1-24 groundwater conservation district in Burnet County created under
1-25 and essential to accomplish the purposes of Section 59, Article
1-26 XVI, Texas Constitution.

1-27 Sec. 8810.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held before September 1, 2007:

1-30 (1) the district is dissolved on September 1, 2007,
1-31 except that:

1-32 (A) any debts incurred shall be paid;

1-33 (B) any assets that remain after the payment of
1-34 debts shall be transferred to Burnet County; and

1-35 (C) the organization of the district shall be
1-36 maintained until all debts are paid and remaining assets are
1-37 transferred; and

1-38 (2) this chapter expires on September 1, 2010.

1-39 Sec. 8810.004. INITIAL DISTRICT TERRITORY. The initial
1-40 boundaries of the district are coextensive with the boundaries of
1-41 Burnet County, Texas.

1-42 Sec. 8810.005. CONSTRUCTION OF CHAPTER. This chapter shall
1-43 be liberally construed to achieve the legislative intent and
1-44 purposes of Chapter 36, Water Code. A power granted by Chapter 36,
1-45 Water Code, or this chapter shall be broadly interpreted to achieve
1-46 that intent and those purposes.

1-47 Sec. 8810.006. APPLICABILITY OF OTHER GROUNDWATER
1-48 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
1-49 chapter, Chapter 36, Water Code, applies to the district.

1-50 [Sections 8810.007-8810.020 reserved for expansion]

1-51 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-52 Sec. 8810.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
1-53 Not later than the 45th day after the effective date of this
1-54 chapter, five temporary directors shall be appointed as follows:

1-55 (1) the Burnet County Commissioners Court shall
1-56 appoint one temporary director from each of the four commissioners
1-57 precincts in the county to represent the precincts in which the
1-58 temporary directors reside; and

1-59 (2) the county judge of Burnet County shall appoint
1-60 one temporary director who resides in the district to represent the
1-61 district at large.

1-62 (b) If there is a vacancy on the temporary board of
1-63 directors of the district, the authority who appointed the
1-64 temporary director whose position is vacant shall appoint a person

2-1 to fill the vacancy.

2-2 (c) Temporary directors serve until the earlier of:

2-3 (1) the time the temporary directors become initial
2-4 directors as provided by Section 8810.024; or

2-5 (2) the date this chapter expires under Section
2-6 8810.003.

2-7 Sec. 8810.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-8 DIRECTORS. As soon as practicable after all the temporary
2-9 directors have qualified under Section 36.055, Water Code, a
2-10 majority of the temporary directors shall convene the
2-11 organizational meeting of the district at a location within the
2-12 district agreeable to a majority of the directors. If an agreement
2-13 on location cannot be reached, the organizational meeting shall be
2-14 at the Burnet County Courthouse.

2-15 Sec. 8810.023. CONFIRMATION ELECTION. (a) The temporary
2-16 directors shall hold an election to confirm the creation of the
2-17 district.

2-18 (b) Section 41.001(a), Election Code, does not apply to a
2-19 confirmation election held as provided by this section.

2-20 (c) Except as provided by this section, a confirmation
2-21 election must be conducted as provided by Sections 36.017(b)-(i),
2-22 Water Code, and the Election Code. Section 36.017(d), Water Code,
2-23 does not apply to a confirmation election under this section.

2-24 (d) The ballot for the election must be printed to provide
2-25 for voting for or against the proposition: "The creation of the
2-26 Central Texas Groundwater Conservation District and the imposition
2-27 of a maintenance tax at a rate not to exceed five cents for each \$100
2-28 of assessed valuation."

2-29 (e) If a majority of the votes cast at the election are not
2-30 in favor of the creation of the district, the temporary directors
2-31 may call and hold a subsequent confirmation election. The
2-32 subsequent election may not be held before the first anniversary of
2-33 the date on which the previous election was held.

2-34 (f) The district may not impose a maintenance tax unless the
2-35 tax is confirmed under this section.

2-36 Sec. 8810.024. INITIAL DIRECTORS. (a) If creation of the
2-37 district is confirmed at an election held under Section 8810.023,
2-38 the temporary directors of the district become the initial
2-39 directors of the district and serve on the board of directors until
2-40 permanent directors are elected under Section 8810.025.

2-41 (b) The initial directors representing commissioners
2-42 precincts 2 and 4 shall serve a term expiring June 1 following the
2-43 first regularly scheduled election of directors under Section
2-44 8810.025, and the initial directors representing commissioners
2-45 precincts 1 and 3 shall serve a term expiring June 1 following the
2-46 second regularly scheduled election of directors. The at-large
2-47 director shall serve a term expiring June 1 following the second
2-48 regularly scheduled election of directors.

2-49 Sec. 8810.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
2-50 the uniform election date prescribed by Section 41.001, Election
2-51 Code, in May of the first even-numbered year after the year in which
2-52 the district is authorized to be created at a confirmation
2-53 election, an election shall be held in the district for the election
2-54 of two directors to replace the initial directors who, under
2-55 Section 8810.024(b), serve a term expiring June 1 following that
2-56 election.

2-57 Sec. 8810.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-58 expires September 1, 2010.

2-59 [Sections 8810.027-8810.050 reserved for expansion]

2-60 SUBCHAPTER B. BOARD OF DIRECTORS

2-61 Sec. 8810.051. DIRECTORS; TERMS. (a) The district is
2-62 governed by a board of five directors.

2-63 (b) Directors serve staggered four-year terms, with two or
2-64 three directors' terms expiring June 1 of each even-numbered year.

2-65 (c) A director may serve consecutive terms.

2-66 Sec. 8810.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
2-67 PRECINCTS. (a) The directors of the district shall be elected
2-68 according to the commissioners precinct method as provided by this
2-69 section.

3-1 (b) One director shall be elected by the voters of the
3-2 entire district, and one director shall be elected from each county
3-3 commissioners precinct by the voters of that precinct.

3-4 (c) Except as provided by Subsection (e), to be eligible to
3-5 be a candidate for or to serve as director at large, a person must be
3-6 a registered voter in the district. To be a candidate for or to
3-7 serve as director from a county commissioners precinct, a person
3-8 must be a registered voter of that precinct.

3-9 (d) A person shall indicate on the application for a place
3-10 on the ballot:

3-11 (1) the precinct that the person seeks to represent;
3-12 or

3-13 (2) that the person seeks to represent the district at
3-14 large.

3-15 (e) When the boundaries of the county commissioners
3-16 precincts are redrawn after each federal decennial census to
3-17 reflect population changes, a director in office on the effective
3-18 date of the change, or a director elected or appointed before the
3-19 effective date of the change whose term of office begins on or after
3-20 the effective date of the change, shall serve in the precinct to
3-21 which elected or appointed even though the change in boundaries
3-22 places the person's residence outside the precinct for which the
3-23 person was elected or appointed.

3-24 Sec. 8810.053. ELECTION DATE. The district shall hold an
3-25 election to elect the appropriate number of directors on the
3-26 uniform election date prescribed by Section 41.001, Election Code,
3-27 in May of each even-numbered year.

3-28 Sec. 8810.054. DIVISION OF MUNICIPALITY. The provision in
3-29 Section 36.059(b), Water Code, concerning the division of a
3-30 municipal corporation among precincts does not apply to an election
3-31 under this chapter.

3-32 [Sections 8810.055-8810.100 reserved for expansion]

3-33 SUBCHAPTER C. POWERS AND DUTIES

3-34 Sec. 8810.101. DEFINITION. In this subchapter, "man-made
3-35 excavation" means a quarry, open pit mine, or similar cut into the
3-36 surface of the ground made by a person.

3-37 Sec. 8810.102. PERMIT CONSIDERATION. Before granting or
3-38 denying a permit under Section 36.113, Water Code, the district
3-39 shall consider if the proposed use of water unreasonably affects
3-40 surrounding landowners.

3-41 Sec. 8810.103. PERMITS; APPLICABLE RULES. If a permit is
3-42 required, the permit holder is subject to rules adopted by the
3-43 district to:

3-44 (1) conserve, preserve, protect, and recharge the
3-45 groundwater or a groundwater reservoir or its subdivisions to
3-46 control subsidence, prevent degradation of groundwater quality,
3-47 and prevent waste of groundwater; and

3-48 (2) carry out any other power or duty under Chapter 36,
3-49 Water Code.

3-50 Sec. 8810.104. IMPACT OF TRANSFER. (a) If the district
3-51 finds that a transfer of groundwater out of the district negatively
3-52 impacts any of the factors described by Section 36.122(f), Water
3-53 Code, the district may impose additional requirements or
3-54 limitations on the permit that are designed to minimize those
3-55 impacts.

3-56 (b) Sections 36.122(c), (e), (i), and (j), Water Code, do
3-57 not apply to a requirement or limitation imposed under this
3-58 section.

3-59 Sec. 8810.105. PROHIBITIONS ON WASTE. (a) In this section,
3-60 "waste" has the meaning assigned by Section 36.001, Water Code, and
3-61 additionally means causing or allowing groundwater from a well or
3-62 man-made excavation to escape into a river, creek, natural
3-63 watercourse, depression, lake, reservoir, drain, sewer, street,
3-64 highway, road or road ditch, or onto any land other than that of the
3-65 owner of the well or man-made excavation.

3-66 (b) Waste is prohibited by the district unless the district
3-67 determines that the waste will not unduly diminish the groundwater
3-68 resources of the district.

3-69 Sec. 8810.106. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.

4-1 The district and another governmental entity, including a river
4-2 authority located in the district, may enter into a contract for the
4-3 performance by that entity of a district function.

4-4 Sec. 8810.107. REVENUE. To pay the maintenance and
4-5 operating costs of the district and to pay any bonds or notes issued
4-6 by the district, the district may:

4-7 (1) impose ad valorem taxes at a rate not to exceed
4-8 five cents on each \$100 of assessed valuation of taxable property;

4-9 (2) assess fees for services or for water withdrawn
4-10 from non-exempt wells or man-made excavations; or

4-11 (3) solicit and accept grants from any private or
4-12 public source.

4-13 [Sections 8810.108-8810.150 reserved for expansion]

4-14 SUBCHAPTER D. DISSOLUTION

4-15 Sec. 8810.151. ELECTION FOR DISSOLUTION. (a) If the
4-16 district has no outstanding bond or other long-term indebtedness,
4-17 the district may be dissolved by a favorable vote of a majority of
4-18 the registered voters of the district at an election called for that
4-19 purpose.

4-20 (b) The board shall call a dissolution election if the board
4-21 receives a petition for dissolution signed by at least 50 percent of
4-22 the registered voters in the district as computed by using the list
4-23 of registered voters for Burnet County.

4-24 (c) If the district is dissolved under this section, the
4-25 board shall:

4-26 (1) notify the Texas Commission on Environmental
4-27 Quality and the secretary of state of the dissolution; and

4-28 (2) transfer title to any assets of the district to
4-29 Burnet County.

4-30 SECTION 2. (a) The legal notice of the intention to
4-31 introduce this Act, setting forth the general substance of this
4-32 Act, has been published as provided by law, and the notice and a
4-33 copy of this Act have been furnished to all persons, agencies,
4-34 officials, or entities to which they are required to be furnished
4-35 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-36 Government Code.

4-37 (b) The governor has submitted the notice and Act to the
4-38 Texas Commission on Environmental Quality.

4-39 (c) The Texas Commission on Environmental Quality has filed
4-40 its recommendations relating to this Act with the governor,
4-41 lieutenant governor, and speaker of the house of representatives
4-42 within the required time.

4-43 (d) All requirements of the constitution and laws of this
4-44 state and the rules and procedures of the legislature with respect
4-45 to the notice, introduction, and passage of this Act are fulfilled
4-46 and accomplished.

4-47 SECTION 3. This Act takes effect immediately if it receives
4-48 a vote of two-thirds of all the members elected to each house, as
4-49 provided by Section 39, Article III, Texas Constitution. If this
4-50 Act does not receive the vote necessary for immediate effect, this
4-51 Act takes effect September 1, 2005.

4-52 * * * * *