

1-1 By: Fraser S.B. No. 967  
1-2 (In the Senate - Filed March 3, 2005; March 14, 2005, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 22, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 22, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 967 By: Barrientos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Central Texas Groundwater  
1-11 Conservation District; providing authority to impose a tax and  
1-12 issue bonds.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle H, Title 6, Special District Local Laws  
1-15 Code, is amended by adding Chapter 8810 to read as follows:

1-16 CHAPTER 8810. CENTRAL TEXAS GROUNDWATER

1-17 CONSERVATION DISTRICT

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8810.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the board of directors of the  
1-21 district.

1-22 (2) "Director" means a member of the board.

1-23 (3) "District" means the Central Texas Groundwater  
1-24 Conservation District.

1-25 Sec. 8810.002. NATURE OF DISTRICT. The district is a  
1-26 groundwater conservation district in Burnet County created under  
1-27 and essential to accomplish the purposes of Section 59, Article  
1-28 XVI, Texas Constitution.

1-29 Sec. 8810.003. CONFIRMATION ELECTION REQUIRED. If the  
1-30 creation of the district is not confirmed at a confirmation  
1-31 election held before September 1, 2007:

1-32 (1) the district is dissolved on September 1, 2007,  
1-33 except that:

1-34 (A) any debts incurred shall be paid;

1-35 (B) any assets that remain after the payment of  
1-36 debts shall be transferred to Burnet County; and

1-37 (C) the organization of the district shall be  
1-38 maintained until all debts are paid and remaining assets are  
1-39 transferred; and

1-40 (2) this chapter expires on September 1, 2010.

1-41 Sec. 8810.004. INITIAL DISTRICT TERRITORY. The initial  
1-42 boundaries of the district are coextensive with the boundaries of  
1-43 Burnet County, Texas.

1-44 Sec. 8810.005. CONSTRUCTION OF CHAPTER. This chapter shall  
1-45 be liberally construed to achieve the legislative intent and  
1-46 purposes of Chapter 36, Water Code. A power granted by Chapter 36,  
1-47 Water Code, or this chapter shall be broadly interpreted to achieve  
1-48 that intent and those purposes.

1-49 Sec. 8810.006. APPLICABILITY OF OTHER GROUNDWATER  
1-50 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
1-51 chapter, Chapter 36, Water Code, applies to the district.

1-52 [Sections 8810.007-8810.020 reserved for expansion]

1-53 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-54 Sec. 8810.021. APPOINTMENT OF TEMPORARY DIRECTORS.  
1-55 (a) Not later than the 45th day after the effective date of this  
1-56 chapter, five temporary directors shall be appointed as follows:

1-57 (1) the Burnet County Commissioners Court shall  
1-58 appoint one temporary director from each of the four commissioners  
1-59 precincts in the county to represent the precincts in which the  
1-60 temporary directors reside; and

1-61 (2) the county judge of Burnet County shall appoint  
1-62 one temporary director who resides in the district to represent the  
1-63 district at large.

2-1 (b) If there is a vacancy on the temporary board of  
2-2 directors of the district, the authority who appointed the  
2-3 temporary director whose position is vacant shall appoint a person  
2-4 to fill the vacancy.

2-5 (c) Temporary directors serve until the earlier of:  
2-6 (1) the time the temporary directors become initial  
2-7 directors as provided by Section 8810.024; or  
2-8 (2) the date this chapter expires under Section  
2-9 8810.003.

2-10 Sec. 8810.022. ORGANIZATIONAL MEETING OF TEMPORARY  
2-11 DIRECTORS. As soon as practicable after all the temporary  
2-12 directors have qualified under Section 36.055, Water Code, a  
2-13 majority of the temporary directors shall convene the  
2-14 organizational meeting of the district at a location within the  
2-15 district agreeable to a majority of the directors. If an agreement  
2-16 on location cannot be reached, the organizational meeting shall be  
2-17 at the Burnet County Courthouse.

2-18 Sec. 8810.023. CONFIRMATION ELECTION. (a) The temporary  
2-19 directors shall hold an election to confirm the creation of the  
2-20 district.

2-21 (b) Section 41.001(a), Election Code, does not apply to a  
2-22 confirmation election held as provided by this section.

2-23 (c) Except as provided by this section, a confirmation  
2-24 election must be conducted as provided by Sections 36.017(b)-(i),  
2-25 Water Code, and the Election Code. Section 36.017(d), Water Code,  
2-26 does not apply to a confirmation election under this section.

2-27 (d) The ballot for the election must be printed to provide  
2-28 for voting for or against the proposition: "The creation of the  
2-29 Central Texas Groundwater Conservation District and the imposition  
2-30 of a maintenance tax at an initial rate not to exceed two cents for  
2-31 each \$100 of assessed valuation."

2-32 (e) If a majority of the votes cast at the election are not  
2-33 in favor of the creation of the district, the temporary directors  
2-34 may call and hold a subsequent confirmation election. The  
2-35 subsequent election may not be held before the first anniversary of  
2-36 the date on which the previous election was held.

2-37 (f) The district may not impose a maintenance tax unless the  
2-38 tax is confirmed under this section.

2-39 Sec. 8810.024. INITIAL DIRECTORS. (a) If creation of the  
2-40 district is confirmed at an election held under Section 8810.023,  
2-41 the temporary directors of the district become the initial  
2-42 directors of the district and serve on the board of directors until  
2-43 permanent directors are elected under Section 8810.025.

2-44 (b) The initial directors representing commissioners  
2-45 precincts 2 and 4 shall serve a term expiring June 1 following the  
2-46 first regularly scheduled election of directors under Section  
2-47 8810.025, and the initial directors representing commissioners  
2-48 precincts 1 and 3 shall serve a term expiring June 1 following the  
2-49 second regularly scheduled election of directors. The at-large  
2-50 director shall serve a term expiring June 1 following the second  
2-51 regularly scheduled election of directors.

2-52 Sec. 8810.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On  
2-53 the uniform election date prescribed by Section 41.001, Election  
2-54 Code, in May of the first even-numbered year after the year in which  
2-55 the district is authorized to be created at a confirmation  
2-56 election, an election shall be held in the district for the election  
2-57 of two directors to replace the initial directors who, under  
2-58 Section 8810.024(b), serve a term expiring June 1 following that  
2-59 election.

2-60 Sec. 8810.026. EXPIRATION OF SUBCHAPTER. This subchapter  
2-61 expires September 1, 2010.

2-62 [Sections 8810.027-8810.050 reserved for expansion]

2-63 SUBCHAPTER B. BOARD OF DIRECTORS

2-64 Sec. 8810.051. DIRECTORS; TERMS. (a) The district is  
2-65 governed by a board of five directors.

2-66 (b) Directors serve staggered four-year terms, with two or  
2-67 three directors' terms expiring June 1 of each even-numbered year.

2-68 (c) A director may serve consecutive terms.  
2-69 Sec. 8810.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS

3-1 PRECINCTS. (a) The directors of the district shall be elected  
 3-2 according to the commissioners precinct method as provided by this  
 3-3 section.

3-4 (b) One director shall be elected by the voters of the  
 3-5 entire district, and one director shall be elected from each county  
 3-6 commissioners precinct by the voters of that precinct.

3-7 (c) Except as provided by Subsection (e), to be eligible to  
 3-8 be a candidate for or to serve as director at large, a person must be  
 3-9 a registered voter in the district. To be a candidate for or to  
 3-10 serve as director from a county commissioners precinct, a person  
 3-11 must be a registered voter of that precinct.

3-12 (d) A person shall indicate on the application for a place  
 3-13 on the ballot:

3-14 (1) the precinct that the person seeks to represent;  
 3-15 or

3-16 (2) that the person seeks to represent the district at  
 3-17 large.

3-18 (e) When the boundaries of the county commissioners  
 3-19 precincts are redrawn after each federal decennial census to  
 3-20 reflect population changes, a director in office on the effective  
 3-21 date of the change, or a director elected or appointed before the  
 3-22 effective date of the change whose term of office begins on or after  
 3-23 the effective date of the change, shall serve in the precinct to  
 3-24 which elected or appointed even though the change in boundaries  
 3-25 places the person's residence outside the precinct for which the  
 3-26 person was elected or appointed.

3-27 Sec. 8810.053. ELECTION DATE. The district shall hold an  
 3-28 election to elect the appropriate number of directors on the  
 3-29 uniform election date prescribed by Section 41.001, Election Code,  
 3-30 in May of each even-numbered year.

3-31 Sec. 8810.054. DIVISION OF MUNICIPALITY. The provision in  
 3-32 Section 36.059(b), Water Code, concerning the division of a  
 3-33 municipal corporation among precincts does not apply to an election  
 3-34 under this chapter.

3-35 [Sections 8810.055-8810.100 reserved for expansion]

3-36 SUBCHAPTER C. POWERS AND DUTIES

3-37 Sec. 8810.101. 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. 8810.102. PERMITS FOR CERTAIN ACTIVITIES; APPLICABLE  
 3-42 RULES. (a) The district may require a permit for any activity that  
 3-43 extracts groundwater or allows more than 25,000 gallons of  
 3-44 groundwater a day to escape.

3-45 (b) If a permit is required under Subsection (a), the permit  
 3-46 holder is subject to rules adopted by the district to:

3-47 (1) conserve, preserve, protect, and recharge the  
 3-48 groundwater or a groundwater reservoir or its subdivisions to  
 3-49 control subsidence, prevent degradation of groundwater quality,  
 3-50 and prevent waste of groundwater; and

3-51 (2) carry out any other power or duty under Chapter 36,  
 3-52 Water Code.

3-53 (c) To the extent of a conflict, this section controls over  
 3-54 Section 36.117(b), Water Code.

3-55 Sec. 8810.103. IMPACT OF TRANSFER. (a) If the district  
 3-56 finds that a transfer of groundwater out of the district negatively  
 3-57 impacts any of the factors described by Section 36.122(f), Water  
 3-58 Code, the district may impose additional requirements or  
 3-59 limitations on the permit that are designed to minimize those  
 3-60 impacts.

3-61 (b) Sections 36.122(c), (e), (i), and (j), Water Code, do  
 3-62 not apply to a requirement or limitation imposed under this  
 3-63 section.

3-64 Sec. 8810.104. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.  
 3-65 The district and another governmental entity, including a river  
 3-66 authority located in the district, may enter into a contract for the  
 3-67 performance by that entity of a district function.

3-68 Sec. 8810.105. REVENUE. (a) To pay the maintenance and  
 3-69 operating costs of the district and to pay any bonds or notes issued

4-1 by the district, the district may:

4-2 (1) impose ad valorem taxes at a rate not to exceed  
4-3 five cents on each \$100 of assessed valuation of taxable property;

4-4 (2) assess fees for services or for water withdrawn  
4-5 from nonexempt wells; or

4-6 (3) solicit and accept grants from any private or  
4-7 public source.

4-8 (b) The district may not impose ad valorem taxes to pay the  
4-9 maintenance and operating costs of the district at a rate that  
4-10 exceeds the maximum rate approved by a majority of the voters of the  
4-11 district voting at an election in the district held for that  
4-12 purpose.

4-13 Sec. 8810.106. PROHIBITION ON DISTRICT USE OF EMINENT  
4-14 DOMAIN POWERS. The district may not exercise the power of eminent  
4-15 domain.

4-16 [Sections 8810.107-8810.150 reserved for expansion]

4-17 SUBCHAPTER D. DISSOLUTION

4-18 Sec. 8810.151. ELECTION FOR DISSOLUTION. (a) If the  
4-19 district has no outstanding bond or other long-term indebtedness,  
4-20 the district may be dissolved by a favorable vote of a majority of  
4-21 the registered voters of the district at an election called for that  
4-22 purpose.

4-23 (b) The board shall call a dissolution election if the board  
4-24 receives a petition for dissolution signed by at least 50 percent of  
4-25 the registered voters in the district as computed by using the list  
4-26 of registered voters for Burnet County.

4-27 (c) If the district is dissolved under this section, the  
4-28 board shall:

4-29 (1) notify the Texas Commission on Environmental  
4-30 Quality and the secretary of state of the dissolution; and

4-31 (2) transfer title to any assets of the district to  
4-32 Burnet County.

4-33 SECTION 2. (a) The legal notice of the intention to  
4-34 introduce this Act, setting forth the general substance of this  
4-35 Act, has been published as provided by law, and the notice and a  
4-36 copy of this Act have been furnished to all persons, agencies,  
4-37 officials, or entities to which they are required to be furnished  
4-38 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4-39 Government Code.

4-40 (b) The governor has submitted the notice and Act to the  
4-41 Texas Commission on Environmental Quality.

4-42 (c) The Texas Commission on Environmental Quality has filed  
4-43 its recommendations relating to this Act with the governor,  
4-44 lieutenant governor, and speaker of the house of representatives  
4-45 within the required time.

4-46 (d) All requirements of the constitution and laws of this  
4-47 state and the rules and procedures of the legislature with respect  
4-48 to the notice, introduction, and passage of this Act are fulfilled  
4-49 and accomplished.

4-50 SECTION 3. This Act takes effect immediately if it receives  
4-51 a vote of two-thirds of all the members elected to each house, as  
4-52 provided by Section 39, Article III, Texas Constitution. If this  
4-53 Act does not receive the vote necessary for immediate effect, this  
4-54 Act takes effect September 1, 2005.

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