

By: Hinojosa

S.B. No. 1831

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District; 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 8811 to read as follows:

CHAPTER 8811. CORPUS CHRISTI AQUIFER STORAGE AND RECOVERY

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8811.001. 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 Corpus Christi Aquifer Storage and Recovery Conservation District.

Sec. 8811.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Kleberg, Nueces, and San Patricio Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is created to develop and protect municipal aquifer storage areas created by the City of Corpus Christi.

Sec. 8811.003. CONFIRMATION ELECTION NOT REQUIRED. An election to confirm the creation of the district is not required.

1       Sec. 8811.004. INITIAL DISTRICT TERRITORY. The initial  
2 boundaries of the district are coextensive with the city limits of  
3 the City of Corpus Christi and include:

4           (1) property owned by or under contract to the City of  
5 Corpus Christi in Nueces and Kleberg Counties; and

6           (2) in San Patricio County, property owned by or under  
7 contract to the City of Corpus Christi and bounded on the west by  
8 Interstate Highway 37 and U.S. Highway 77, on the north by the  
9 metropolitan planning organization boundary, on the east by County  
10 Road 2849, and on the south by the city limits of the City of Corpus  
11 Christi.

12       Sec. 8811.005. APPLICABILITY OF OTHER LAW. Except as  
13 otherwise provided by this chapter, Chapter 36, Water Code, applies  
14 to the district.

15       Sec. 8811.006. CREATION OF GROUNDWATER CONSERVATION  
16 DISTRICTS IN SAN PATRICIO COUNTY. (a) This chapter does not  
17 preclude the creation of a groundwater conservation district in San  
18 Patricio County.

19           (b) A groundwater conservation district created in San  
20 Patricio County may not limit or restrict the district from  
21 recovering water stored by the district in a municipal aquifer  
22 storage area in the district, even if the municipal aquifer storage  
23 area is also located in the groundwater conservation district.

24           (c) To the extent that the boundaries of the district and a  
25 groundwater conservation district in San Patricio County overlap,  
26 the power and authority of the two districts are joint and  
27 coextensive.

1       (d) The district and land in the district are exempt from  
2 taxes and fees imposed by a groundwater conservation district  
3 created in San Patricio County.

4       [Sections 8811.007-8811.020 reserved for expansion]

5               SUBCHAPTER B. BOARD OF DIRECTORS

6       Sec. 8811.021. DIRECTORS; TERMS. (a) The district is  
7 governed by a board of five directors.

8       (b) Except as provided by Subsection (c), directors serve  
9 staggered four-year terms.

10       (c) The initial directors shall draw lots to determine which  
11 three directors shall serve four-year terms that expire at the end  
12 of the calendar year four years after the effective date of the Act  
13 creating this chapter, and which two directors shall serve two-year  
14 terms that expire at the end of the calendar year two years after  
15 the effective date of the Act creating this chapter.

16       Sec. 8811.022. APPOINTMENT OF DIRECTORS. The Corpus  
17 Christi City Council shall appoint the directors.

18       Sec. 8811.023. VACANCY. If a vacancy occurs on the board,  
19 the board may appoint a director to serve the remainder of the term.

20       Sec. 8811.024. OFFICERS. The board shall annually elect  
21 officers. The officers must be confirmed by the Corpus Christi City  
22 Council.

23       [Sections 8811.025-8811.050 reserved for expansion]

24               SUBCHAPTER C. POWERS AND DUTIES

25       Sec. 8811.051. AQUIFER STORAGE AND RECOVERY PROJECTS. The  
26 district may implement and develop aquifer storage and recovery  
27 projects.

1       Sec. 8811.052. MUNICIPAL AQUIFER STORAGE AREAS IN SAN  
2 PATRICIO COUNTY. The district may not allow more water to be  
3 recovered from a municipal aquifer storage area in San Patricio  
4 County than the amount of water stored by the district at the  
5 municipal aquifer storage area.

6       Sec. 8811.053. TAXES AND BONDS PROHIBITED. The district  
7 may not impose a tax or issue bonds.

8       Sec. 8811.054. PRODUCTION FEES. (a) The district may  
9 assess reasonable fees on each well in the district. A fee that is  
10 based on the amount of water withdrawn from a well may not exceed:

11           (1) one dollar per acre-foot for water used for the  
12 purpose of irrigating agricultural crops; or

13           (2) 17 cents per thousand gallons for water used for  
14 any other purpose.

15       (b) If the water is used for crop or livestock production or  
16 other agricultural purposes, the district may not impose on a well a  
17 fee that is more than 20 percent of the fee applied to water used for  
18 municipal purposes.

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

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

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

5           (d) All requirements of the constitution and laws of this  
6 state and the rules and procedures of the legislature with respect  
7 to the notice, introduction, and passage of this Act are fulfilled  
8 and accomplished.

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