

1-1 By: Hinojosa S.B. No. 1831
1-2 (In the Senate - Filed April 1, 2005; April 4, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 20, 2005, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 20, 2005, sent to printer.)

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

1-8 relating to the creation of the Corpus Christi Aquifer Storage and
1-9 Recovery Conservation District; granting the power of eminent
1-10 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 8811 to read as follows:

1-14 CHAPTER 8811. CORPUS CHRISTI AQUIFER STORAGE AND RECOVERY

1-15 CONSERVATION DISTRICT

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8811.001. 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 Corpus Christi Aquifer
1-22 Storage and Recovery Conservation District.

1-23 Sec. 8811.002. NATURE OF DISTRICT. The district is a
1-24 conservation and reclamation district in Kleberg, Nueces, and San
1-25 Patricio Counties created under and essential to accomplish the
1-26 purposes of Section 59, Article XVI, Texas Constitution. The
1-27 district is created to develop and protect municipal aquifer
1-28 storage areas created by the City of Corpus Christi.

1-29 Sec. 8811.003. CONFIRMATION ELECTION NOT REQUIRED. An
1-30 election to confirm the creation of the district is not required.

1-31 Sec. 8811.004. INITIAL DISTRICT TERRITORY. The initial
1-32 boundaries of the district are coextensive with the city limits of
1-33 the City of Corpus Christi and include:

1-34 (1) property owned by or under contract to the City of
1-35 Corpus Christi in Nueces and Kleberg Counties; and

1-36 (2) in San Patricio County, property owned by or under
1-37 contract to the City of Corpus Christi and bounded on the west by
1-38 Interstate Highway 37 and U.S. Highway 77, on the north by the
1-39 metropolitan planning organization boundary, on the east by County
1-40 Road 2849, and on the south by the city limits of the City of Corpus
1-41 Christi.

1-42 Sec. 8811.005. APPLICABILITY OF OTHER LAW. Except as
1-43 otherwise provided by this chapter, Chapter 36, Water Code, applies
1-44 to the district.

1-45 Sec. 8811.006. CREATION OF GROUNDWATER CONSERVATION
1-46 DISTRICTS IN SAN PATRICIO COUNTY. (a) This chapter does not
1-47 preclude the creation of a groundwater conservation district in San
1-48 Patricio County.

1-49 (b) A groundwater conservation district created in San
1-50 Patricio County may not limit or restrict the district from
1-51 recovering water stored by the district in a municipal aquifer
1-52 storage area in the district, even if the municipal aquifer storage
1-53 area is also located in the groundwater conservation district.

1-54 (c) To the extent that the boundaries of the district and a
1-55 groundwater conservation district in San Patricio County overlap,
1-56 the power and authority of the two districts are joint and
1-57 coextensive.

1-58 (d) The district and land in the district are exempt from
1-59 taxes and fees imposed by a groundwater conservation district
1-60 created in San Patricio County.

1-61 [Sections 8811.007-8811.020 reserved for expansion]

1-62 SUBCHAPTER B. BOARD OF DIRECTORS

1-63 Sec. 8811.021. DIRECTORS; TERMS. (a) The district is
1-64 governed by a board of five directors.

2-1 (b) Except as provided by Subsection (c), directors serve
2-2 staggered four-year terms.

2-3 (c) The initial directors shall draw lots to determine which
2-4 three directors shall serve four-year terms that expire at the end
2-5 of the calendar year four years after the effective date of the Act
2-6 creating this chapter, and which two directors shall serve two-year
2-7 terms that expire at the end of the calendar year two years after
2-8 the effective date of the Act creating this chapter.

2-9 Sec. 8811.022. APPOINTMENT OF DIRECTORS. The Corpus
2-10 Christi City Council shall appoint the directors.

2-11 Sec. 8811.023. VACANCY. If a vacancy occurs on the board,
2-12 the board may appoint a director to serve the remainder of the term.

2-13 Sec. 8811.024. OFFICERS. The board shall annually elect
2-14 officers. The officers must be confirmed by the Corpus Christi City
2-15 Council.

2-16 [Sections 8811.025-8811.050 reserved for expansion]

2-17 SUBCHAPTER C. POWERS AND DUTIES

2-18 Sec. 8811.051. AQUIFER STORAGE AND RECOVERY PROJECTS. The
2-19 district may implement and develop aquifer storage and recovery
2-20 projects.

2-21 Sec. 8811.052. MUNICIPAL AQUIFER STORAGE AREAS IN SAN
2-22 PATRICIO COUNTY. The district may not allow more water to be
2-23 recovered from a municipal aquifer storage area in San Patricio
2-24 County than the amount of water stored by the district at the
2-25 municipal aquifer storage area.

2-26 Sec. 8811.053. TAXES AND BONDS PROHIBITED. The district
2-27 may not impose a tax or issue bonds.

2-28 Sec. 8811.054. PRODUCTION FEES. (a) The district may
2-29 assess reasonable fees on each well in the district. A fee that is
2-30 based on the amount of water withdrawn from a well may not exceed:

2-31 (1) one dollar per acre-foot for water used for the
2-32 purpose of irrigating agricultural crops; or

2-33 (2) 17 cents per thousand gallons for water used for
2-34 any other purpose.

2-35 (b) If the water is used for crop or livestock production or
2-36 other agricultural purposes, the district may not impose on a well a
2-37 fee that is more than 20 percent of the fee applied to water used for
2-38 municipal purposes.

2-39 SECTION 2. (a) The legal notice of the intention to
2-40 introduce this Act, setting forth the general substance of this
2-41 Act, has been published as provided by law, and the notice and a
2-42 copy of this Act have been furnished to all persons, agencies,
2-43 officials, or entities to which they are required to be furnished
2-44 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-45 Government Code.

2-46 (b) The governor has submitted the notice and Act to the
2-47 Texas Commission on Environmental Quality.

2-48 (c) The Texas Commission on Environmental Quality has filed
2-49 its recommendations relating to this Act with the governor,
2-50 lieutenant governor, and speaker of the house of representatives
2-51 within the required time.

2-52 (d) All requirements of the constitution and laws of this
2-53 state and the rules and procedures of the legislature with respect
2-54 to the notice, introduction, and passage of this Act are fulfilled
2-55 and accomplished.

2-56 SECTION 3. This Act takes effect immediately if it receives
2-57 a vote of two-thirds of all the members elected to each house, as
2-58 provided by Section 39, Article III, Texas Constitution. If this
2-59 Act does not receive the vote necessary for immediate effect, this
2-60 Act takes effect September 1, 2005.

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