

By: Cook of Colorado

H.B. No. 4032

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

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 8824 to read as follows:

CHAPTER 8824. COLORADO COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8824.001. 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 Colorado County Groundwater Conservation District.

Sec. 8824.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Colorado County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8824.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2011:

(1) the district is dissolved on September 1, 2011, except that:

1           (A) any debts incurred shall be paid;

2           (B) any assets that remain after the payment of  
3 debts shall be transferred to Colorado County; and

4           (C) the organization of the district shall be  
5 maintained until all debts are paid and remaining assets are  
6 transferred; and

7           (2) this chapter expires on September 1, 2011.

8           Sec. 8824.004. INITIAL DISTRICT TERRITORY. The initial  
9 boundaries of the district are coextensive with the boundaries of  
10 Colorado County, Texas, except that the district does not include  
11 any territory that is included in the boundaries of the Coastal Bend  
12 Groundwater Conservation District as of the effective date of the  
13 Act enacting this chapter.

14           Sec. 8824.005. APPLICABILITY OF OTHER GROUNDWATER  
15 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
16 chapter, Chapter 36, Water Code, applies to the district.

17           [Sections 8824.006-8824.020 reserved for expansion]

18                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

19           Sec. 8824.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)  
20 Not later than September 11, 2007, the Colorado County  
21 Commissioners Court shall appoint seven temporary directors.  
22 Temporary directors must meet the qualifications provided by  
23 Section 8824.052 for permanent directors.

24           (b) If there is a vacancy on the temporary board of  
25 directors of the district, the remaining temporary directors shall  
26 select a qualified person to fill the vacancy. If, at any time,  
27 there are three or more vacancies on the temporary board, the

1 Colorado County Commissioners Court shall appoint a qualified  
2 person to fill each vacancy.

3 (c) Temporary directors serve until the earlier of:

4 (1) the time initial directors are elected as provided  
5 by Section 8824.023; or

6 (2) the date this chapter expires under Section  
7 8824.003.

8 Sec. 8824.022. ORGANIZATIONAL MEETING OF TEMPORARY  
9 DIRECTORS. (a) As soon as practicable after all the temporary  
10 directors have qualified under Section 36.055, Water Code, a  
11 majority of the temporary directors shall convene the  
12 organizational meeting of the district at a location within the  
13 district agreeable to a majority of the directors. If an agreement  
14 on location cannot be reached, the organizational meeting shall be  
15 at the Colorado County Courthouse.

16 (b) At the meeting, the temporary directors shall elect a  
17 presiding officer, assistant presiding officer, and secretary from  
18 among the temporary directors.

19 Sec. 8824.023. CONFIRMATION AND INITIAL DIRECTORS'  
20 ELECTION. (a) The temporary board of directors shall hold an  
21 election to confirm the creation of the district and elect seven  
22 initial directors.

23 (b) Section 41.001(a), Election Code, does not apply to a  
24 confirmation election held as provided by this section.

25 (c) Except as provided by this section, a confirmation  
26 election must be conducted as provided by Sections 36.017(b)-(i),  
27 Water Code, and the Election Code.

1       (d) The ballot for the election must be printed to provide  
2 for voting for or against the proposition: "The creation of the  
3 Colorado County Groundwater Conservation District and the levy of  
4 an ad valorem tax in the district at a rate not to exceed three cents  
5 for each \$100 of assessed valuation."

6       (e) The temporary board of directors may include any other  
7 proposition on the ballot that the directors determine necessary.

8       (f) If a majority of the votes cast at the election are not  
9 in favor of the creation of the district, the temporary board of  
10 directors may hold a subsequent confirmation election. The  
11 subsequent election may not be held before the month in which the  
12 first anniversary of the date on which the preceding election was  
13 held occurs.

14       (g) The initial directors for positions one, three, five,  
15 and seven shall serve until the first regularly scheduled election  
16 of directors under Section 8824.053. The initial directors for the  
17 remaining positions shall serve until the second regularly  
18 scheduled election of directors under Section 8824.053.

19       Sec. 8824.024. EXPIRATION OF SUBCHAPTER. This subchapter  
20 expires September 1, 2011.

21       [Sections 8824.025-8824.050 reserved for expansion]

22                   SUBCHAPTER B. BOARD OF DIRECTORS

23       Sec. 8824.051. DIRECTORS; TERMS. (a) The district is  
24 governed by a board of seven directors.

25       (b) Directors serve staggered four-year terms.

26       (c) A director may serve only two consecutive terms.

27       Sec. 8824.052. METHOD OF ELECTING DIRECTORS. (a) The

1 directors of the district shall be elected as follows:

2 (1) the directors for positions 1 through 4 must  
3 reside in Colorado County Commissioners Precincts 1 through 4,  
4 respectively, and are elected by the voters of the applicable  
5 county commissioners precinct; and

6 (2) the directors for positions 5 through 7 must  
7 reside in the cities of Columbus, Eagle Lake, and Weimar,  
8 respectively, and are elected at large by the voters of the  
9 district.

10 (b) To be eligible to be a candidate for or to serve as a  
11 director, a person must be a registered voter.

12 (c) A person shall indicate on the application for a place  
13 on the ballot the position on the board to which the person seeks to  
14 be elected.

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

24 Sec. 8824.053. ELECTION DATE. The district shall hold an  
25 election to elect the appropriate number of directors on the  
26 uniform election date prescribed by Section 41.001, Election Code,  
27 in November of each even-numbered year.

1       Sec. 8824.054. DIVISION OF MUNICIPALITY. The provision of  
2 Section 36.059(b), Water Code, concerning the division of a  
3 municipal corporation among precincts does not apply to an election  
4 under this chapter.

5       Sec. 8824.055. COMPENSATION; REIMBURSEMENT. (a)  
6 Notwithstanding Section 36.060, Water Code, a director is not  
7 entitled to receive compensation for performing the duties of a  
8 director.

9       (b) The board may authorize a director to receive  
10 reimbursement for the director's reasonable expenses incurred  
11 while engaging in activities on behalf of the district.

12       Sec. 8824.056. VACANCY. A vacancy in the office of director  
13 shall be filled by appointment of the board. The appointed director  
14 serves only for the remainder of the unexpired term to which the  
15 director was appointed.

16       [Sections 8824.057-8824.100 reserved for expansion]

17                   SUBCHAPTER C. POWERS AND DUTIES

18       Sec. 8824.101. RESTRICTIONS ON GENERAL POWERS. Sections  
19 36.103, 36.104, and 36.105, Water Code, do not apply to the  
20 district.

21       Sec. 8824.102. PROHIBITION ON REQUIRING METERING OF EXEMPT  
22 WELLS. The district may not require meters on wells exempt from  
23 permitting or regulation under Section 36.117, Water Code.

24       Sec. 8824.103. RIGHT TO ENTER LAND. (a) A district  
25 director or employee or a person who contracts with the district may  
26 enter private property on behalf of the district without obtaining  
27 the permission of the property owner only if:

1           (1) the purpose of the entry is to conduct an  
2 investigation of a violation of or enforce a district rule; and

3           (2) the property owner is provided reasonable notice  
4 before the property is entered.

5           (b) A district director or employee or a person who  
6 contracts with the district must obtain the permission of a  
7 property owner before entering private property on behalf of the  
8 district for any purpose other than the purposes described by  
9 Subsection (a)(1).

10           [Sections 8824.104-8824.150 reserved for expansion]

11           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12           Sec. 8824.151. REVENUE. (a) To pay the maintenance and  
13 operating costs of the district and to pay any bonds or notes issued  
14 by the district, the district may:

15           (1) impose ad valorem taxes at a rate not to exceed  
16 three cents on each \$100 of assessed valuation of taxable property  
17 in the district; or

18           (2) assess reasonable fees for:

19                   (A) services provided;

20                   (B) water withdrawn from each well that is not  
21 exempt from district permitting or regulation; or

22                   (C) groundwater exported from the district.

23           (b) In determining a tax rate under Subsection (a)(1), the  
24 board shall take into consideration the income of the district from  
25 sources other than taxation.

26           Sec. 8824.152. GRANTS, GIFTS, AND DONATIONS. The district  
27 may solicit and accept grants, gifts, and donations from any public

1 or private source.

2 [Sections 8824.153-8824.200 reserved for expansion]

3 SUBCHAPTER E. DISSOLUTION

4 Sec. 8824.201. SUBCHAPTER CUMULATIVE. The provisions of  
5 this subchapter are cumulative of the provisions of Subchapter I,  
6 Chapter 36, Water Code.

7 Sec. 8824.202. DISSOLUTION BY ELECTION. (a) After January  
8 1, 2016, the board shall order an election on the question of  
9 dissolving the district if the board receives a petition requesting  
10 that an election be held for that purpose that is signed by at least  
11 15 percent of the district's registered voters.

12 (b) Not later than the 30th day after the date the board  
13 receives the petition, the directors shall:

14 (1) validate the signatures on the petition; and

15 (2) if the signatures are validated, order an election  
16 on the next uniform election date under Section 41.001, Election  
17 Code.

18 (c) The order calling the election must state the nature of  
19 the election, including the proposition that is to appear on the  
20 ballot.

21 Sec. 8824.203. NOTICE OF ELECTION. Notice of an election  
22 under this subchapter must be provided by posting a copy of the  
23 order calling the election in at least one conspicuous place for at  
24 least 10 days before the day of the election:

25 (1) at the Colorado County Courthouse;

26 (2) in each Colorado County commissioners precinct;

27 and



1           (3) in the cities of Columbus, Eagle Lake, and Weimar.  
2           Sec. 8824.204. BALLOT. The ballot for an election under  
3 this subchapter must be printed to permit voting for or against the  
4 proposition: "The dissolution of the Colorado County Groundwater  
5 Conservation District."

6           Sec. 8824.205. ELECTION RESULTS; DISPOSITION OF ASSETS. If  
7 a majority of the votes in an election under this subchapter favor  
8 dissolution:

9           (1) the board shall find that the district is  
10 dissolved; and

11           (2) Section 36.310, Water Code, applies for the  
12 purpose of disposition of the district's assets.

13           SECTION 2. Chapter 303, Acts of the 77th Legislature,  
14 Regular Session, 2001, is repealed.

15           SECTION 3. (a) The legal notice of the intention to  
16 introduce this Act, setting forth the general substance of this  
17 Act, has been published as provided by law, and the notice and a  
18 copy of this Act have been furnished to all persons, agencies,  
19 officials, or entities to which they are required to be furnished  
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
21 Government Code.

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

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

1           (d) All requirements of the constitution and laws of this  
2 state and the rules and procedures of the legislature with respect  
3 to the notice, introduction, and passage of this Act are fulfilled  
4 and accomplished.

5           SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2007.