

By: King of Parker

H.B. No. 4050

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Wise County Groundwater Conservation District.

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 8828 to read as follows:

CHAPTER 8828. WISE COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8828.001. 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 Wise County Groundwater Conservation District.

Sec. 8828.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Wise County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8828.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8828.023 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 Wise 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 September 1, 2014.

8           Sec. 8828.004. INITIAL DISTRICT TERRITORY. The initial  
9 boundaries of the district are coextensive with the boundaries of  
10 Wise County.

11           Sec. 8828.005. APPLICABILITY OF OTHER GROUNDWATER  
12 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
13 chapter, Chapter 36, Water Code, applies to the district.

14           [Sections 8828.006-8828.020 reserved for expansion]

15           SUBCHAPTER A-1. TEMPORARY PROVISIONS

16           Sec. 8828.021. TEMPORARY DIRECTORS. (a) Not later than the  
17 45th day after the effective date of the Act creating this chapter,  
18 temporary directors shall be appointed in the same manner as  
19 provided by Section 8828.052 for permanent directors.

20           (b) If the voters do not confirm the creation of the  
21 district under Section 8828.023, the temporary directors may hold a  
22 second confirmation election not sooner than the first anniversary  
23 of the initial election.

24           (c) If there is a vacancy on the temporary board of  
25 directors, the Wise County Commissioners Court shall appoint a  
26 person to fill the vacancy.

27           (d) Temporary directors serve until the earlier of:

1           (1) the time the temporary directors become initial  
2 directors as provided by Section 8828.024; or

3           (2) the date this chapter expires under Section  
4 8828.003.

5           Sec. 8828.022. ORGANIZATIONAL MEETING OF TEMPORARY  
6 DIRECTORS. As soon as practicable after all the temporary  
7 directors have qualified under Section 36.055, Water Code, a  
8 majority of the temporary directors shall convene the  
9 organizational meeting of the district at a location in the  
10 district agreeable to a majority of the directors.

11           Sec. 8828.023. CONFIRMATION ELECTION. (a) The temporary  
12 directors shall hold an election to confirm the creation of the  
13 district.

14           (b) Except as provided by this section, a confirmation  
15 election must be conducted as provided by Sections 36.017, 36.018,  
16 and 36.019, Water Code, and by the Election Code. The provisions of  
17 Section 36.017(d), Water Code, relating to the levying of a  
18 maintenance tax and the election of permanent directors do not  
19 apply to a confirmation election under this section. Section  
20 36.017(h), Water Code, does not apply to an initial confirmation  
21 election under this section.

22           Sec. 8828.024. INITIAL DIRECTORS. (a) If creation of the  
23 district is confirmed at an election held under Section 8828.023,  
24 the temporary directors of the district become the initial  
25 directors of the district and serve on the board of directors until  
26 permanent directors are appointed under Section 8828.052.

27           (b) The initial directors shall draw lots to determine which

1 two directors serve terms expiring June 1 of the first  
2 even-numbered year after the year in which the creation of the  
3 district is confirmed at an election held under Section 8828.023  
4 and which three directors serve terms expiring June 1 of the second  
5 even-numbered year after the year in which the creation of the  
6 district is confirmed at an election held under that section.

7 Sec. 8828.025. EXPIRATION OF SUBCHAPTER. This subchapter  
8 expires September 1, 2014.

9 [Sections 8828.026-8828.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8828.051. GOVERNING BODY. The district is governed by  
12 a board of five directors appointed as provided by Section  
13 8828.052.

14 Sec. 8828.052. APPOINTMENT OF DIRECTORS. The Wise County  
15 Commissioners Court shall appoint one director from each of the  
16 four county commissioners precincts and one director from the  
17 county at large.

18 Sec. 8828.053. TERMS. Directors serve staggered four-year  
19 terms, with the terms of two or three directors expiring June 1 of  
20 each even-numbered year.

21 Sec. 8828.054. VACANCY; RULES. (a) If there is a vacancy  
22 on the board, the Wise County Commissioners Court shall appoint a  
23 director to serve the remainder of the term.

24 (b) The board shall adopt rules to establish when a vacancy  
25 has occurred.

26 [Sections 8828.055-8828.100 reserved for expansion]

1                   SUBCHAPTER C. POWERS AND DUTIES

2                   Sec. 8828.101. GROUNDWATER CONSERVATION DISTRICT POWERS  
3 AND DUTIES. Except as provided by this chapter, the district has  
4 the powers and duties provided by the general law of this state,  
5 including Chapter 36, Water Code, applicable to groundwater  
6 conservation districts created under Section 59, Article XVI, Texas  
7 Constitution.

8                   Sec. 8828.102. TAXES PROHIBITED. The district may not  
9 impose a tax.

10                  Sec. 8828.103. LIMIT ON ISSUANCE OF BONDS. The district may  
11 not issue any bonds or other obligations that pledge revenue  
12 derived from district taxation.

13                  Sec. 8828.104. REPORTING OF WATER WITHDRAWAL BY ENTITY  
14 USING WATER FOR OIL OR GAS ACTIVITIES. Each entity that drills or  
15 operates a water well in the district that is used for activities  
16 related to the exploration or production of oil or gas shall report  
17 to the district in the manner provided by district rules the amount  
18 of water withdrawn from the well.

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, 2007.