

1 AN ACT

2 relating to the creation of the McLennan County Groundwater  
3 Conservation District; providing authority to impose a tax and  
4 issue bonds.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle H, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8821 to read as follows:

8 CHAPTER 8821. MCLENNAN COUNTY GROUNDWATER

9 CONSERVATION DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8821.001. DEFINITIONS. In this chapter:

12 (1) "Board" means the district's board of directors.

13 (2) "Director" means a board member.

14 (3) "District" means the McLennan County Groundwater  
15 Conservation District.

16 Sec. 8821.002. NATURE OF DISTRICT. The district is a  
17 groundwater conservation district in McLennan County created under  
18 and essential to accomplish the purposes of Section 59, Article  
19 XVI, Texas Constitution.

20 Sec. 8821.003. CONFIRMATION ELECTION REQUIRED. (a) If the  
21 creation of the district is not confirmed at a confirmation  
22 election held before September 1, 2012:

23 (1) the district is dissolved on September 1, 2012,  
24 except that the district shall:

1           (A) pay any debts incurred;

2           (B) transfer to McLennan County any assets that  
3 remain after the payment of debts; and

4           (C) maintain the organization of the district  
5 until all debts are paid and remaining assets are transferred; and

6           (2) this chapter expires on September 1, 2012.

7           (b) This section expires on September 1, 2012.

8           Sec. 8821.004. INITIAL DISTRICT TERRITORY. The initial  
9 boundaries of the district are coextensive with the boundaries of  
10 McLennan County, Texas.

11           Sec. 8821.005. CONSTRUCTION OF CHAPTER. This chapter shall  
12 be liberally construed to achieve the legislative intent and  
13 purposes of Chapter 36, Water Code. A power granted by Chapter 36,  
14 Water Code, or this chapter shall be broadly interpreted to achieve  
15 that intent and those purposes.

16           Sec. 8821.006. APPLICABILITY OF OTHER GROUNDWATER  
17 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
18 chapter, Chapter 36, Water Code, applies to the district.

19           [Sections 8821.007-8821.020 reserved for expansion]

20                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

21           Sec. 8821.021. APPOINTMENT OF TEMPORARY DIRECTORS.

22           (a) Not later than the 45th day after the effective date of this  
23 chapter, five temporary directors shall be appointed as follows:

24                   (1) the McLennan County Commissioners Court shall  
25 appoint one temporary director from each of the four commissioners  
26 precincts in the county to represent the precincts in which the  
27 temporary directors reside; and

1           (2) the county judge of McLennan County shall appoint  
2 one temporary director who resides in the district to represent the  
3 district at large.

4           (b) If there is a vacancy on the temporary board, the  
5 authority who appointed the temporary director whose position is  
6 vacant shall appoint a person to fill the vacancy.

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

8                 (1) the time the temporary directors become initial  
9 directors as provided by Section 8821.024; or

10                (2) the date this chapter expires under Section  
11 8821.003.

12           Sec. 8821.022. ORGANIZATIONAL MEETING OF TEMPORARY  
13 DIRECTORS. As soon as practicable after all the temporary  
14 directors have qualified under Section 36.055, Water Code, a  
15 majority of the temporary directors shall convene the  
16 organizational meeting of the district at a location within the  
17 district agreeable to a majority of the directors. If an agreement  
18 on location cannot be reached, the organizational meeting shall be  
19 at the McLennan County Courthouse.

20           Sec. 8821.023. CONFIRMATION ELECTION. (a) The temporary  
21 directors shall hold an election to confirm the creation of the  
22 district.

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), (c),  
27 and (e)-(i), Water Code, and the Election Code. Section 36.017(d),

1 Water Code, does not apply to the confirmation election.

2 (d) The ballot for the election must be printed in  
3 accordance with the Election Code and provide for voting for or  
4 against the proposition: "The creation of the McLennan County  
5 Groundwater Conservation District."

6 (e) If a majority of the votes cast at the election are not  
7 in favor of the creation of the district, the temporary directors  
8 may call and hold a subsequent confirmation election. The  
9 subsequent election may not be held before the first anniversary of  
10 the date on which the previous election was held.

11 (f) The district may contract with the elections  
12 administrator of McLennan County to conduct an election under this  
13 section.

14 Sec. 8821.024. INITIAL DIRECTORS. (a) If creation of the  
15 district is confirmed at an election held under Section 8821.023,  
16 the temporary directors become the initial directors and serve for  
17 the terms provided by Subsection (b).

18 (b) The initial directors representing commissioners  
19 precincts 2 and 4 serve a term expiring on December 31 following the  
20 expiration of two years after the date of the confirmation  
21 election, and the initial directors representing commissioners  
22 precincts 1 and 3 and the at-large director serve a term expiring on  
23 December 31 following the expiration of four years after the date of  
24 the confirmation election.

25 Sec. 8821.025. EXPIRATION OF SUBCHAPTER. This subchapter  
26 expires September 1, 2012.

27 [Sections 8821.026-8821.050 reserved for expansion]

1                   SUBCHAPTER B. BOARD OF DIRECTORS

2           Sec. 8821.051. GOVERNING BODY; TERMS. (a) The district is  
3 governed by a board of five directors.

4           (b) Directors serve staggered four-year terms, with two or  
5 three directors' terms expiring December 31 of each even-numbered  
6 year.

7           (c) A director may not serve more than three consecutive  
8 terms.

9           Sec. 8821.052. APPOINTMENT OF DIRECTORS. (a) The McLennan  
10 County Commissioners Court shall appoint one director from each of  
11 the four commissioners precincts and one director to represent the  
12 district at large.

13           (b) Except as provided by Subsection (c), to be eligible to  
14 serve as director at large, a person must be a registered voter in  
15 the district. To serve as director from a county commissioners  
16 precinct, a person must be a registered voter of that precinct.

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

25           [Sections 8821.053-8821.100 reserved for expansion]

26                   SUBCHAPTER C. POWERS AND DUTIES

27           Sec. 8821.101. GROUNDWATER CONSERVATION DISTRICT POWERS

1 AND DUTIES. Except as provided by this chapter, the district has  
2 the powers and duties provided by the general law of this state,  
3 including Chapter 36, Water Code, and Section 59, Article XVI,  
4 Texas Constitution, applicable to groundwater conservation  
5 districts.

6 Sec. 8821.102. REGISTRATION AND REPORTING REQUIREMENTS FOR  
7 CERTAIN EXEMPT WELLS. The district may adopt rules that require the  
8 owner or operator of a well or class of wells exempt from permitting  
9 under Section 36.117, Water Code, to register the well with the  
10 district and, if the well is not exempt under Section 36.117(b)(1),  
11 Water Code, to report groundwater withdrawals from the well using  
12 reasonable and appropriate reporting methods and frequency.

13 Sec. 8821.103. WELL SPACING RULES; EXEMPTIONS. (a) Except  
14 as provided by Subsection (b), the district shall exempt from the  
15 well spacing requirements adopted by the district any well that is  
16 completed on or before the effective date of those requirements.

17 (b) The district may provide by rule that a well may lose its  
18 exemption under this section if the well is modified in a manner  
19 that substantially increases the capacity of the well after the  
20 effective date of the well spacing requirements adopted by the  
21 district.

22 (c) Except as provided by this section, the district may  
23 require any well or class of wells exempt from permitting under  
24 Chapter 36, Water Code, to comply with the well spacing  
25 requirements adopted by the district. The district shall apply  
26 well spacing requirements uniformly to any well or class of wells  
27 based on the size or capacity of the well and without regard to the

1 type of use of the groundwater produced by the well.

2 Sec. 8821.104. ADOPTION OF RULES AND ISSUANCE OF PERMITS.  
3 Before the district adopts a management plan, the district may  
4 adopt rules and issue permits.

5 Sec. 8821.105. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.  
6 The district and another governmental entity, including a river  
7 authority located in the district, may contract for the performance  
8 by that entity of a district function.

9 Sec. 8821.106. NO EMINENT DOMAIN POWER. The district may  
10 not exercise the power of eminent domain.

11 Sec. 8821.107. DISTRICT TERRITORY REQUIREMENTS;  
12 DISSOLUTION OF DISTRICT. (a) On September 1, 2011, the district  
13 boundaries must include at least one county adjacent to McLennan  
14 County.

15 (b) As soon as practicable after September 1, 2011, the  
16 Texas Commission on Environmental Quality shall determine whether  
17 the district complies with Subsection (a).

18 (c) If the Texas Commission on Environmental Quality  
19 determines that the district does not comply with Subsection (a),  
20 the commission shall dissolve the district in accordance with  
21 Sections 36.304, 36.305, 36.307, 36.308, 36.309, and 36.310, Water  
22 Code, regardless of whether the district meets the criteria for  
23 dissolution under Section 36.304(a), Water Code.

24 (d) This section expires September 1, 2013.

25 [Sections 8821.108-8821.150 reserved for expansion]

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8821.151. REVENUE. To pay the maintenance and

1 operating costs of the district and to pay any bonds or notes issued  
2 by the district, the district may:

3 (1) assess fees for services or for water withdrawn  
4 from nonexempt wells; or

5 (2) solicit and accept grants from any private or  
6 public source.

7 Sec. 8821.152. FEES. The district may impose a user fee to  
8 pay for the creation and operation of the district, including  
9 permit hearings. The district may not impose a fee for agricultural  
10 use that is more than 20 percent of the rate for municipal use.

11 [Sections 8821.153-8821.200 reserved for expansion]

12 SUBCHAPTER E. DISSOLUTION

13 Sec. 8821.201. ELECTION FOR DISSOLUTION. (a) If the  
14 district has no outstanding bond or other long-term indebtedness,  
15 the district may be dissolved by a favorable vote of a majority of  
16 the registered voters of the district at an election held for that  
17 purpose.

18 (b) The board shall hold a dissolution election if the board  
19 receives a petition for dissolution signed by at least 50 percent of  
20 the registered voters in the district as computed by using the list  
21 of registered voters for McLennan County.

22 (c) If the district is dissolved under this section, the  
23 board shall:

24 (1) notify the Texas Commission on Environmental  
25 Quality and the secretary of state of the dissolution; and

26 (2) transfer title to any assets of the district to  
27 McLennan County.



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

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

10          (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor,  
12 lieutenant governor, and speaker of the house of representatives  
13 within the required time.

14          (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

18          SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2007.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1985 passed the Senate on May 2, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 26, 2007, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1985 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor