

By: Averitt

S.B. No. 2038

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Tablerock 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 8823 to read as follows:

CHAPTER 8823. TABLEROCK GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8823.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Tablerock Groundwater Conservation District.

Sec. 8823.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Coryell County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8823.003. CONFIRMATION ELECTION REQUIRED. (a) If the creation of the district is not confirmed at a confirmation election held before September 1, 2012:

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

(A) pay any debts incurred;

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

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

5           (2) this chapter expires September 1, 2012.

6           (b) This section expires September 1, 2012.

7           Sec. 8823.004. INITIAL DISTRICT TERRITORY. The initial  
8 boundaries of the district are coextensive with the boundaries of  
9 Coryell County, Texas.

10           Sec. 8823.005. CONSTRUCTION OF CHAPTER. This chapter shall  
11 be liberally construed to achieve the legislative intent and  
12 purposes of Chapter 36, Water Code. A power granted by Chapter 36,  
13 Water Code, or this chapter shall be broadly interpreted to achieve  
14 that intent and those purposes.

15           Sec. 8823.006. APPLICABILITY OF OTHER GROUNDWATER  
16 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
17 chapter, Chapter 36, Water Code, applies to the district.

18           [Sections 8823.007-8823.020 reserved for expansion]

19           SUBCHAPTER A-1. TEMPORARY PROVISIONS

20           Sec. 8823.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)  
21 Not later than the 45th day after the effective date of this  
22 chapter, five temporary directors shall be appointed as follows:

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

27           (2) the county judge of Coryell County shall appoint

1 one temporary director who resides in the district to represent the  
2 district at large.

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

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

7 (1) the time the temporary directors become initial  
8 directors as provided by Section 8823.024; or

9 (2) the date this chapter expires under Section  
10 8823.003.

11 Sec. 8823.022. ORGANIZATIONAL MEETING OF TEMPORARY  
12 DIRECTORS. As soon as practicable after all the temporary  
13 directors have qualified under Section 36.055, Water Code, a  
14 majority of the temporary directors shall convene the  
15 organizational meeting of the district at a location within the  
16 district agreeable to a majority of the directors. If an agreement  
17 on location cannot be reached, the organizational meeting shall be  
18 at the Coryell County Courthouse.

19 Sec. 8823.023. CONFIRMATION ELECTION. (a) The temporary  
20 directors shall hold an election to confirm the creation of the  
21 district.

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

24 (c) Except as provided by this section, a confirmation  
25 election must be conducted as provided by Sections 36.017(b), (c),  
26 and (e)-(i), Water Code, and the Election Code. Section 36.017(d),  
27 Water Code, does not apply to the confirmation election.

1       (d) The ballot for the election must be printed in  
2 accordance with the Election Code and provide for voting for or  
3 against the proposition: "The creation of the Tablerock  
4 Groundwater Conservation District and the imposition of a  
5 maintenance tax at a rate not to exceed two cents on each \$100 of  
6 assessed valuation of taxable property in the district."

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

12       (f) The district may not impose a maintenance tax unless a  
13 majority of the votes cast at the election are in favor of the  
14 imposition of the maintenance tax.

15       Sec. 8823.024. INITIAL DIRECTORS. (a) If creation of the  
16 district is confirmed at an election held under Section 8823.023,  
17 the temporary directors become the initial directors and serve for  
18 the terms provided by Subsection (b).

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

26       Sec. 8823.025. EXPIRATION OF SUBCHAPTER. This subchapter  
27 expires September 1, 2012.

1 [Sections 8823.026-8823.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8823.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five directors.

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

8 Sec. 8823.052. APPOINTMENT OF DIRECTORS. (a) The Coryell  
9 County Commissioners Court shall appoint one director from each of  
10 the four commissioners precincts and one director to represent the  
11 district at large.

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

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

26 [Sections 8823.053-8823.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8823.101. PERMIT CONSIDERATION. Before granting or denying a permit under Section 36.113, Water Code, the district must consider whether the proposed use of water unreasonably affects surrounding landowners.

Sec. 8823.102. PERMITS FOR CERTAIN ACTIVITIES; APPLICABLE RULES. (a) The district may require a permit for any activity that extracts groundwater or allows more than 25,000 gallons of groundwater a day to escape.

(b) If a permit is required under Subsection (a), the permit holder is subject to rules adopted by the district to:

(1) conserve, preserve, protect, and recharge the groundwater or a groundwater reservoir or its subdivisions to control subsidence, prevent degradation of groundwater quality, and prevent waste of groundwater; and

(2) carry out any other power or duty under Chapter 36, Water Code.

(c) To the extent of a conflict, this section controls over Section 36.117(b), Water Code.

Sec. 8823.103. IMPACT OF TRANSFER. (a) If the district finds that a transfer of groundwater out of the district negatively impacts any of the factors described by Section 36.122(f), Water Code, the district may impose additional requirements or limitations on the permit that are designed to minimize those impacts.

(b) Sections 36.122(c), (e), (i), and (j), Water Code, do not apply to a requirement or limitation imposed under this

1 section.

2 Sec. 8823.104. 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. 8823.105. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.

6 (a) The district and another governmental entity, including a  
7 river authority located in the district, may contract for the  
8 performance by that entity of a district function.

9 (b) The district may accept a loan from Coryell County to  
10 pay for any initial costs of the district, including costs related  
11 to a confirmation election.

12 Sec. 8823.106. NO EMINENT DOMAIN POWER. The district may  
13 not exercise the power of eminent domain.

14 [Sections 8823.107-8823.150 reserved for expansion]

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8823.151. REVENUE. To pay the maintenance and  
17 operating costs of the district and to pay any bonds or notes issued  
18 by the district, the district may:

19 (1) impose an ad valorem tax at a rate that:

20 (A) is approved by a majority of district voters  
21 voting at an election held for that purpose; and

22 (B) does not exceed two cents on each \$100 of  
23 assessed valuation of taxable property in the district;

24 (2) assess fees for services or for water withdrawn  
25 from nonexempt wells; or

26 (3) solicit and accept grants from any private or  
27 public source.

1 [Sections 8823.152-8823.200 reserved for expansion]

2 SUBCHAPTER E. DISSOLUTION

3 Sec. 8823.201. ELECTION FOR DISSOLUTION. (a) If the  
4 district has no outstanding bond or other long-term indebtedness,  
5 the district may be dissolved by a favorable vote of a majority of  
6 the registered voters of the district at an election held for that  
7 purpose.

8 (b) The board shall hold a dissolution election if the board  
9 receives a petition for dissolution signed by at least 50 percent of  
10 the registered voters in the district as computed by using the list  
11 of registered voters for Coryell County.

12 (c) If the district is dissolved under this section, the  
13 board shall:

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

16 (2) transfer title to any assets of the district to  
17 Coryell County.

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

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

27 (c) The Texas Commission on Environmental Quality has filed



1 its recommendations relating to this Act with the governor,  
2 lieutenant governor, and speaker of the house of representatives  
3 within the required time.

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

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