

1-1 By: Averitt S.B. No. 2038
1-2 (In the Senate - Filed April 26, 2007; April 26, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 27, 2007, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 27, 2007, sent to printer.)

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

1-8 relating to the creation of the Tablerock Groundwater Conservation
1-9 District; providing authority to impose a tax and issue bonds.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Subtitle H, Title 6, Special District Local Laws
1-12 Code, is amended by adding Chapter 8823 to read as follows:

1-13 CHAPTER 8823. TABLEROCK GROUNDWATER

1-14 CONSERVATION DISTRICT

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8823.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Tablerock Groundwater
1-20 Conservation District.

1-21 Sec. 8823.002. NATURE OF DISTRICT. The district is a
1-22 groundwater conservation district in Coryell County created under
1-23 and essential to accomplish the purposes of Section 59, Article
1-24 XVI, Texas Constitution.

1-25 Sec. 8823.003. CONFIRMATION ELECTION REQUIRED. (a) If the
1-26 creation of the district is not confirmed at a confirmation
1-27 election held before September 1, 2012:

1-28 (1) the district is dissolved on September 1, 2012,
1-29 except that the district shall:

1-30 (A) pay any debts incurred;

1-31 (B) transfer to Coryell County any assets that
1-32 remain after the payment of debts; and

1-33 (C) maintain the organization of the district
1-34 until all debts are paid and remaining assets are transferred; and

1-35 (2) this chapter expires September 1, 2012.

1-36 (b) This section expires September 1, 2012.

1-37 Sec. 8823.004. INITIAL DISTRICT TERRITORY. The initial
1-38 boundaries of the district are coextensive with the boundaries of
1-39 Coryell County, Texas.

1-40 Sec. 8823.005. CONSTRUCTION OF CHAPTER. This chapter shall
1-41 be liberally construed to achieve the legislative intent and
1-42 purposes of Chapter 36, Water Code. A power granted by Chapter 36,
1-43 Water Code, or this chapter shall be broadly interpreted to achieve
1-44 that intent and those purposes.

1-45 Sec. 8823.006. APPLICABILITY OF OTHER GROUNDWATER
1-46 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
1-47 chapter, Chapter 36, Water Code, applies to the district.

1-48 [Sections 8823.007-8823.020 reserved for expansion]

1-49 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-50 Sec. 8823.021. APPOINTMENT OF TEMPORARY DIRECTORS.

1-51 (a) Not later than the 45th day after the effective date of this
1-52 chapter, five temporary directors shall be appointed as follows:

1-53 (1) the Coryell County Commissioners Court shall
1-54 appoint one temporary director from each of the four commissioners
1-55 precincts in the county to represent the precincts in which the
1-56 temporary directors reside; and

1-57 (2) the county judge of Coryell County shall appoint
1-58 one temporary director who resides in the district to represent the
1-59 district at large.

1-60 (b) If there is a vacancy on the temporary board, the
1-61 authority who appointed the temporary director whose position is
1-62 vacant shall appoint a person to fill the vacancy.

1-63 (c) Temporary directors serve until the earlier of:

1-64 (1) the time the temporary directors become initial

2-1 directors as provided by Section 8823.024; or
 2-2 (2) the date this chapter expires under Section
 2-3 8823.003.

2-4 Sec. 8823.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-5 DIRECTORS. As soon as practicable after all the temporary
 2-6 directors have qualified under Section 36.055, Water Code, a
 2-7 majority of the temporary directors shall convene the
 2-8 organizational meeting of the district at a location within the
 2-9 district agreeable to a majority of the directors. If an agreement
 2-10 on location cannot be reached, the organizational meeting shall be
 2-11 at the Coryell County Courthouse.

2-12 Sec. 8823.023. CONFIRMATION ELECTION. (a) The temporary
 2-13 directors shall hold an election to confirm the creation of the
 2-14 district.

2-15 (b) Section 41.001(a), Election Code, does not apply to a
 2-16 confirmation election held as provided by this section.

2-17 (c) Except as provided by this section, a confirmation
 2-18 election must be conducted as provided by Sections 36.017(b), (c),
 2-19 and (e)-(i), Water Code, and the Election Code. Section 36.017(d),
 2-20 Water Code, does not apply to the confirmation election.

2-21 (d) The ballot for the election must be printed in
 2-22 accordance with the Election Code and provide for voting for or
 2-23 against the proposition: "The creation of the Tablerock
 2-24 Groundwater Conservation District and the imposition of a
 2-25 maintenance tax at a rate not to exceed two cents on each \$100 of
 2-26 assessed valuation of taxable property in the district."

2-27 (e) If a majority of the votes cast at the election are not
 2-28 in favor of the creation of the district, the temporary directors
 2-29 may hold a subsequent confirmation election. The subsequent
 2-30 election may not be held before the first anniversary of the date on
 2-31 which the previous election was held.

2-32 (f) The district may not impose a maintenance tax unless a
 2-33 majority of the votes cast at the election are in favor of the
 2-34 imposition of the maintenance tax.

2-35 Sec. 8823.024. INITIAL DIRECTORS. (a) If creation of the
 2-36 district is confirmed at an election held under Section 8823.023,
 2-37 the temporary directors become the initial directors and serve for
 2-38 the terms provided by Subsection (b).

2-39 (b) The initial directors representing commissioners
 2-40 precincts 2 and 4 serve a term expiring on December 31 following the
 2-41 expiration of two years after the date of the confirmation
 2-42 election, and the initial directors representing commissioners
 2-43 precincts 1 and 3 and the at-large director serve a term expiring on
 2-44 December 31 following the expiration of four years after the date of
 2-45 the confirmation election.

2-46 Sec. 8823.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-47 expires September 1, 2012.

2-48 [Sections 8823.026-8823.050 reserved for expansion]

2-49 SUBCHAPTER B. BOARD OF DIRECTORS

2-50 Sec. 8823.051. GOVERNING BODY; TERMS. (a) The district is
 2-51 governed by a board of five directors.

2-52 (b) Directors serve staggered four-year terms, with two or
 2-53 three directors' terms expiring December 31 of each even-numbered
 2-54 year.

2-55 Sec. 8823.052. APPOINTMENT OF DIRECTORS. (a) The Coryell
 2-56 County Commissioners Court shall appoint one director from each of
 2-57 the four commissioners precincts and one director to represent the
 2-58 district at large.

2-59 (b) Except as provided by Subsection (c), to be eligible to
 2-60 serve as director at large, a person must be a registered voter in
 2-61 the district and be nominated by the county judge. To serve as
 2-62 director from a county commissioners precinct, a person must be a
 2-63 registered voter of that precinct and be nominated by the county
 2-64 commissioner from that precinct.

2-65 (c) When the boundaries of the county commissioners
 2-66 precincts are redrawn after each federal decennial census to
 2-67 reflect population changes, a director in office on the effective
 2-68 date of the change, or a director appointed before the effective
 2-69 date of the change whose term of office begins on or after the

3-1 effective date of the change, shall serve in the precinct to which
3-2 appointed even though the change in boundaries places the person's
3-3 residence outside the precinct for which the person was appointed.

3-4 [Sections 8823.053-8823.100 reserved for expansion]

3-5 SUBCHAPTER C. POWERS AND DUTIES

3-6 Sec. 8823.101. PERMIT CONSIDERATION. Before granting or
3-7 denying a permit under Section 36.113, Water Code, the district
3-8 must consider whether the proposed use of water unreasonably
3-9 affects surrounding landowners.

3-10 Sec. 8823.102. PERMITS FOR CERTAIN ACTIVITIES; APPLICABLE
3-11 RULES. (a) The district may require a permit for any activity that
3-12 extracts groundwater or allows more than 25,000 gallons of
3-13 groundwater a day to escape.

3-14 (b) If a permit is required under Subsection (a), the permit
3-15 holder is subject to rules adopted by the district to:

3-16 (1) conserve, preserve, protect, and recharge the
3-17 groundwater or a groundwater reservoir or its subdivisions to
3-18 control subsidence, prevent degradation of groundwater quality,
3-19 and prevent waste of groundwater; and

3-20 (2) carry out any other power or duty under Chapter 36,
3-21 Water Code.

3-22 (c) To the extent of a conflict, this section controls over
3-23 Section 36.117(b), Water Code.

3-24 Sec. 8823.103. IMPACT OF TRANSFER. (a) If the district
3-25 finds that a transfer of groundwater out of the district negatively
3-26 impacts any of the factors described by Section 36.122(f), Water
3-27 Code, the district may impose additional requirements or
3-28 limitations on the permit that are designed to minimize those
3-29 impacts.

3-30 (b) Sections 36.122(c), (e), (i), and (j), Water Code, do
3-31 not apply to a requirement or limitation imposed under this
3-32 section.

3-33 Sec. 8823.104. ADOPTION OF RULES AND ISSUANCE OF PERMITS.
3-34 Before the district adopts a management plan, the district may
3-35 adopt rules and issue permits.

3-36 Sec. 8823.105. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.
3-37 (a) The district and another governmental entity, including a
3-38 river authority located in the district, may contract for the
3-39 performance by that entity of a district function.

3-40 (b) The district may accept a loan from Coryell County to
3-41 pay for any initial costs of the district, including costs related
3-42 to a confirmation election.

3-43 Sec. 8823.106. NO EMINENT DOMAIN POWER. The district may
3-44 not exercise the power of eminent domain.

3-45 [Sections 8823.107-8823.150 reserved for expansion]

3-46 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-47 Sec. 8823.151. REVENUE. To pay the maintenance and
3-48 operating costs of the district and to pay any bonds or notes issued
3-49 by the district, the district may:

3-50 (1) impose an ad valorem tax at a rate that:

3-51 (A) is approved by a majority of district voters
3-52 voting at an election held for that purpose; and

3-53 (B) does not exceed two cents on each \$100 of
3-54 assessed valuation of taxable property in the district;

3-55 (2) assess fees for services or for water withdrawn
3-56 from nonexempt wells; or

3-57 (3) solicit and accept grants from any private or
3-58 public source.

3-59 [Sections 8823.152-8823.200 reserved for expansion]

3-60 SUBCHAPTER E. DISSOLUTION

3-61 Sec. 8823.201. ELECTION FOR DISSOLUTION. (a) If the
3-62 district has no outstanding bond or other long-term indebtedness,
3-63 the district may be dissolved by a favorable vote of a majority of
3-64 the registered voters of the district at an election held for that
3-65 purpose.

3-66 (b) The board shall hold a dissolution election if the board
3-67 receives a petition for dissolution signed by at least 50 percent of
3-68 the registered voters in the district as computed by using the list
3-69 of registered voters for Coryell County.

4-1 (c) If the district is dissolved under this section, the
4-2 board shall:

4-3 (1) notify the Texas Commission on Environmental
4-4 Quality and the secretary of state of the dissolution; and

4-5 (2) transfer title to any assets of the district to
4-6 Coryell County.

4-7 SECTION 2. (a) The legal notice of the intention to
4-8 introduce this Act, setting forth the general substance of this
4-9 Act, has been published as provided by law, and the notice and a
4-10 copy of this Act have been furnished to all persons, agencies,
4-11 officials, or entities to which they are required to be furnished
4-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-13 Government Code.

4-14 (b) The governor has submitted the notice and Act to the
4-15 Texas Commission on Environmental Quality.

4-16 (c) The Texas Commission on Environmental Quality has filed
4-17 its recommendations relating to this Act with the governor,
4-18 lieutenant governor, and speaker of the house of representatives
4-19 within the required time.

4-20 (d) All requirements of the constitution and laws of this
4-21 state and the rules and procedures of the legislature with respect
4-22 to the notice, introduction, and passage of this Act are fulfilled
4-23 and accomplished.

4-24 SECTION 3. This Act takes effect immediately if it receives
4-25 a vote of two-thirds of all the members elected to each house, as
4-26 provided by Section 39, Article III, Texas Constitution. If this
4-27 Act does not receive the vote necessary for immediate effect, this
4-28 Act takes effect September 1, 2007.

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