

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 23 2007

Atty. Gen.
Secretary of the Senate

By: Hegar

H.B. No. 4032

Substitute the following for H.B. No. 4032:

By: [Signature]

C.S. 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:

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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, 2013.

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. DISTRICT TERRITORY REQUIREMENTS;
15 DISSOLUTION OF DISTRICT. (a) On September 1, 2011, the district
16 boundaries must include at least one county adjacent to Colorado
17 County.

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

21 (c) If the commission determines that the district does not
22 comply with Subsection (a), the commission shall dissolve the
23 district in accordance with Sections 36.304, 36.305, 36.307,
24 36.308, 36.309, and 36.310, Water Code, regardless of whether the
25 district meets the criteria for dissolution under Section
26 36.304(a), Water Code.

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

1 Sec. 8824.006. APPLICABILITY OF OTHER GROUNDWATER
2 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
3 chapter, Chapter 36, Water Code, applies to the district.

4 [Sections 8824.007-8824.020 reserved for expansion]

5 SUBCHAPTER A-1. TEMPORARY PROVISIONS

6 Sec. 8824.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
7 Not later than September 11, 2007, the Colorado County
8 Commissioners Court shall appoint seven temporary directors.
9 Temporary directors must meet the qualifications provided by
10 Section 8824.052 for permanent directors.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 select a qualified person to fill the vacancy. If, at any time,
14 there are three or more vacancies on the temporary board, the
15 Colorado County Commissioners Court shall appoint a qualified
16 person to fill each vacancy.

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

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

20 (2) the date this chapter expires under Section
21 8824.003.

22 Sec. 8824.022. ORGANIZATIONAL MEETING OF TEMPORARY
23 DIRECTORS. (a) As soon as practicable after all the temporary
24 directors have qualified under Section 36.055, Water Code, a
25 majority of the temporary directors shall convene the
26 organizational meeting of the district at a location within the
27 district agreeable to a majority of the directors. If an agreement

1 on location cannot be reached, the organizational meeting shall be
2 at the Colorado County Courthouse.

3 (b) At the meeting, the temporary directors shall elect a
4 presiding officer, assistant presiding officer, and secretary from
5 among the temporary directors.

6 Sec. 8824.023. CONFIRMATION AND INITIAL DIRECTORS'
7 ELECTION. (a) The temporary board of directors shall hold an
8 election to confirm the creation of the district and elect seven
9 initial directors.

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

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

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

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

22 (f) If a majority of the votes cast at the election are not
23 in favor of the creation of the district, the temporary board of
24 directors may hold a subsequent confirmation election. The
25 subsequent election may not be held before the month in which the
26 first anniversary of the date on which the preceding election was
27 held occurs.

1 (g) The initial directors for positions one, three, five,
2 and seven shall serve until the first regularly scheduled election
3 of directors under Section 8824.053. The initial directors for the
4 remaining positions shall serve until the second regularly
5 scheduled election of directors under Section 8824.053.

6 Sec. 8824.024. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2013.

8 [Sections 8824.025-8824.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

14 Sec. 8824.052. METHOD OF ELECTING DIRECTORS. (a) Except as
15 provided by Subsection (e), the directors of the district shall be
16 elected as follows:

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

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

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

27 (c) A person shall indicate on the application for a place

1 on the ballot the position on the board to which the person seeks to
2 be elected.

3 (d) When the boundaries of the county commissioners
4 precincts are redrawn after each federal decennial census to
5 reflect population changes, a director in office on the effective
6 date of the change, or a director elected or appointed before the
7 effective date of the change whose term of office begins on or after
8 the effective date of the change, shall serve in the precinct to
9 which elected or appointed even though the change in boundaries
10 places the person's residence outside the precinct for which the
11 person was elected or appointed.

12 (e) If territory is added to the district, the board shall
13 change the method of electing directors as necessary to ensure that
14 all district voters are fairly represented. A change in the method
15 of electing directors adopted by the board under this subsection
16 shall be implemented at the next directors' election at which the
17 change can be implemented consistently with the Election Code and
18 federal law.

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

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

27 Sec. 8824.055. COMPENSATION; REIMBURSEMENT. (a)

1 Notwithstanding Section 36.060, Water Code, a director is not
2 entitled to receive compensation for performing the duties of a
3 director.

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

7 Sec. 8824.056. VACANCY. A vacancy in the office of director
8 shall be filled by appointment of the board. The appointed director
9 serves only for the remainder of the unexpired term to which the
10 director was appointed.

11 [Sections 8824.057-8824.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8824.101. RESTRICTIONS ON GENERAL POWERS. Sections
14 36.103 and 36.104, Water Code, do not apply to the district.

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

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

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

24 (2) the property owner is provided reasonable notice
25 before the property is entered.

26 (b) A district director or employee or a person who
27 contracts with the district must obtain the permission of a

1 property owner before entering private property on behalf of the
2 district for any purpose other than the purposes described by
3 Subsection (a)(1).

4 Sec. 8824.104. WELL SPACING RULES; EXEMPTIONS. (a) Except
5 as provided by Subsection (b), the district shall exempt from the
6 well spacing requirements adopted by the district any well that is
7 completed on or before the effective date of those requirements.

8 (b) The district may provide by rule that a well may lose its
9 exemption under this section if the well is modified in a manner
10 that substantially increases the capacity of the well after the
11 effective date of the well spacing requirements adopted by the
12 district.

13 (c) Except as provided by this section, the district may
14 require any well or class of wells exempt from permitting under
15 Chapter 36, Water Code, to comply with the well spacing
16 requirements adopted by the district. The district shall apply
17 well spacing requirements uniformly to any well or class of wells
18 based on the size or capacity of the well and without regard to the
19 type of use of the groundwater produced by the well.

20 Sec. 8824.105. REGISTRATION AND REPORTING REQUIREMENTS FOR
21 CERTAIN EXEMPT WELLS. The district may adopt rules that require the
22 owner or operator of a well or class of wells exempt from permitting
23 under Section 36.117, Water Code, to register the well with the
24 district and, notwithstanding Section 8824.102, if the well is not
25 exempt under Section 36.117(b)(1), Water Code, to report
26 groundwater withdrawals from the well using reasonable and
27 appropriate reporting methods and frequency.

1 Sec. 8824.106. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

3 [Sections 8824.107-8824.150 reserved for expansion]

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

11 (2) assess reasonable fees for:

12 (A) services provided;

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

15 (C) groundwater exported from the district.

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

19 Sec. 8824.152. GRANTS, GIFTS, AND DONATIONS. The district
20 may solicit and accept grants, gifts, and donations from any public
21 or private source.

22 [Sections 8824.153-8824.200 reserved for expansion]

23 SUBCHAPTER E. DISSOLUTION

24 Sec. 8824.201. SUBCHAPTER CUMULATIVE. The provisions of
25 this subchapter are cumulative of the provisions of Subchapter I,
26 Chapter 36, Water Code.

27 Sec. 8824.202. DISSOLUTION BY ELECTION. (a) After January

1 1, 2016, the board shall order an election on the question of
2 dissolving the district if the board receives a petition requesting
3 that an election be held for that purpose that is signed by at least
4 15 percent of the district's registered voters.

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

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

8 (2) if the signatures are validated, order an election
9 on the next uniform election date under Section 41.001, Election
10 Code.

11 (c) The order calling the election must state the nature of
12 the election, including the proposition that is to appear on the
13 ballot.

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

18 (1) at the Colorado County Courthouse;

19 (2) in each Colorado County commissioners precinct;

20 and

21 (3) in the cities of Columbus, Eagle Lake, and Weimar.

22 Sec. 8824.204. BALLOT. The ballot for an election under
23 this subchapter must be printed to permit voting for or against the
24 proposition: "The dissolution of the Colorado County Groundwater
25 Conservation District."

26 Sec. 8824.205. ELECTION RESULTS; DISPOSITION OF ASSETS. If
27 a majority of the votes in an election under this subchapter favor

1 dissolution:

2 (1) the board shall find that the district is
3 dissolved; and

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

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

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

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

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

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

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.


FLOOR AMENDMENT NO. 1

BY: 

1 Amend C.S.H.B. No.4032 (senate committee printing) by
2 striking Sec. 8824.005 (page 1, line 46 through page 1, line 59)
3 and renumbering subsequent Sections accordingly.

ADOPTED

MAY 23 2007


Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4032 by Cook, Robby (Relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4032** by Cook, Robby (Relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4032** by Cook, Robby (Relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds.), **As Introduced**

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Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 19, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4032 by Cook, Robby (Relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds.), **Committee Report 2nd House, Substituted**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

The bill creates the Colorado County Groundwater Conservation District (District) in Colorado County with the powers and duties of Water Code, Chapter 36 related to general law for groundwater conservation districts (GCDs). The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution. Creation of the District is subject to a confirmation election.

1) Population- The total 2000 Census population of Colorado County was 20,390. The total population is projected to increase to 22,032 by 2020.

2) Location- The boundaries of the district are coextensive with the boundaries of Colorado County, except that the district does not include any territory that is included in the boundaries of the Coastal Bend Groundwater Conservation District.

3) Comments on Powers/Duties Different from Similar Types of Districts- Unlike general law GCDs, the bill provides that the directors of the District may hold subsequent elections if creation of the District is not confirmed at the initial election. Municipalities may be divided for District director precincts. District directors may not receive a fee of office. The District may not exercise the power of eminent domain; purchase, sell, transport or distribute surface or groundwater for any purpose; acquire property to construct recharge or water conservation facilities; require a meter on a well that is not subject to permitting; or, enter land without advance notice to the property owner. The District may adopt rules to require the owners or operators of exempt wells, other than exempt domestic or livestock wells, to report groundwater usage. Existing wells are exempt from District well spacing requirements and the District, by rule, may require exempt wells to comply with spacing requirements. The District is required to expand and add territory by September 1, 2011, and TCEQ must dissolve the District if TCEQ finds that the territory has not been added. The District may not levy a tax that exceeds \$0.03 per \$100 assessed valuation. The bill includes petition and election provisions for the District to be dissolved after January 1, 2016.

4) Overlapping Services- The bill excludes territory in the southeastern part of Colorado County that is within the boundaries of the Coastal Bend Groundwater Conservation District. There are no other GCDs in Colorado County. GCD functions do not conflict with services provided by other types of water districts or utilities. The bill repeals Chapter 303, Acts of the 77th Legislature, Regular Session, 2001, the enabling legislation for a previous GCD for Colorado County that was defeated by the voters in 2001 and 2002, and expired in 2003.

5) TCEQ's Supervision- As with general law GCDs, the TCEQ will have general supervisory authority, including bond review authority and authority as it is related to the District's development and implementation of a management plan. The District would not have to comply with TCEQ financial auditing requirements. In accordance with the bill, TCEQ must dissolve the district if the agency finds that the district has not added at least one adjacent county by September 1, 2011.

6) Water Use- According to TWDB 2004 Water Use estimates, 68 percent of Colorado County water use was for irrigation, with 30 percent for mining. 15 percent of the county's water use comes from groundwater sources.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: JOB, WK

LEGISLATIVE BUDGET BOARD

Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

April 16, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

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- 1) Population** - The total 2000 Census population of Colorado County was 20,390. The total population is projected to increase to 22,032 by 2020.
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