

**House Bill 4032**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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:
  - (A) any debts incurred shall be paid;
  - (B) any assets that remain after the payment of debts shall be transferred to Colorado County; and
  - (C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires on September 1, 2011.

Sec. 8824.004. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the

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boundaries of Colorado County, Texas, except that the district does not include any territory that is included in the boundaries of the Coastal Bend Groundwater Conservation District as of the effective date of the Act enacting this chapter.

Sec. 8824.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

[Sections 8824.006-8824.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

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

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

(c) Temporary directors serve until the earlier of:

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

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

Sec. 8824.022. ORGANIZATIONAL MEETING OF

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

[Sections 8824.007-8824.020 reserved for expansion]

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TEMPORARY DIRECTORS. (a) As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. If an agreement on location cannot be reached, the organizational meeting shall be at the Colorado County Courthouse.

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

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

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

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

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

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

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

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

Sec. 8824.024. EXPIRATION OF SUBCHAPTER. This subchapter expires **September 1, 2011.**

[Sections 8824.025-8824.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

(b) Directors serve staggered four-year terms.

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

Sec. 8824.052. METHOD OF ELECTING DIRECTORS. (a) The directors of the district shall be elected as follows:

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

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

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

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district.

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

(c) A person shall indicate on the application for a place on the ballot the position on the board to which the person seeks to be elected.

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

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

Sec. 8824.054. DIVISION OF MUNICIPALITY. The

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

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provision of Section 36.059(b), Water Code, concerning the division of a municipal corporation among precincts does not apply to an election under this chapter.

Sec. 8824.055. COMPENSATION; REIMBURSEMENT. (a) Notwithstanding Section 36.060, Water Code, a director is not entitled to receive compensation for performing the duties of a director.

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

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

[Sections 8824.057-8824.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8824.101. RESTRICTIONS ON GENERAL POWERS. Sections 36.103, 36.104, and 36.105, Water Code, do not apply to the district.

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

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

(1) the purpose of the entry is to conduct an

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investigation of a violation of or enforce a district rule;  
and  
(2) the property owner is provided reasonable notice  
before the property is entered.  
(b) A district director or employee or a person who  
contracts with the district must obtain the permission of a  
property owner before entering private property on  
behalf of the district for any purpose other than the  
purposes described by Subsection (a)(1).

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purposes described by Subsection (a)(1).  
Sec. 8824.104. WELL SPACING RULES;  
EXEMPTIONS. (a) Except as provided by Subsection  
(b), the district shall exempt from the well spacing  
requirements adopted by the district any well that is  
completed on or before the effective date of those  
requirements.  
(b) The district may provide by rule that a well may lose  
its exemption under this section if the well is modified in  
a manner that substantially increases the capacity of the  
well after the effective date of the well spacing  
requirements adopted by the district.  
(c) Except as provided by this section, the district may  
require any well or class of wells exempt from permitting  
under Chapter 36, Water Code, to comply with the well  
spacing requirements adopted by the district. The district  
shall apply well spacing requirements uniformly to any  
well or class of wells based on the size or capacity of the  
well and without regard to the type of use of the  
groundwater produced by the well.  
Sec. 8824.105. REGISTRATION AND REPORTING  
REQUIREMENTS FOR CERTAIN EXEMPT WELLS.

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The district may adopt rules that require the owner or operator of a well or class of wells exempt from permitting under Section 36.117, Water Code, to register the well with the district and, notwithstanding Section 8824.102, if the well is not exempt under Section 36.117(b)(1), Water Code, to report groundwater withdrawals from the well using reasonable and appropriate reporting methods and frequency.  
Sec. 8824.106. NO EMINENT DOMAIN POWER.  
The district may not exercise the power of eminent domain.

[Sections 8824.107-8824.150 reserved for expansion]  
SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
Sec. 8824.151. REVENUE. (a) To pay the maintenance and operating costs of the district and to pay any bonds or notes issued by the district, the district may:  
(1) impose ad valorem taxes at a rate not to exceed three cents on each \$100 of assessed valuation of taxable property in the district; or  
(2) assess reasonable fees for:  
(A) services provided;  
(B) water withdrawn from each well that is not exempt from district permitting or regulation; or  
(C) groundwater exported from the district.  
(b) In determining a tax rate under Subsection (a)(1), the board shall take into consideration the income of the district from sources other than taxation.  
Sec. 8824.152. GRANTS, GIFTS, AND DONATIONS.  
The district may solicit and accept grants, gifts, and

[Sections 8824.104-8824.150 reserved for expansion]  
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donations from any public or private source.

[Sections 8824.153-8824.200 reserved for expansion]

SUBCHAPTER E. DISSOLUTION

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

Sec. 8824.202. DISSOLUTION BY ELECTION. (a) After January 1, 2016, the board shall order an election on the question of dissolving the district if the board receives a petition requesting that an election be held for that purpose that is signed by at least 15 percent of the district's registered voters.

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

(1) validate the signatures on the petition; and

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

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

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

(1) at the Colorado County Courthouse;

(2) in each Colorado County commissioners precinct; and

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

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

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

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

(1) at the Colorado County Courthouse;

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Sec. 8824.204. BALLOT. The ballot for an election under this subchapter must be printed to permit voting for or against the proposition: "The dissolution of the Colorado County Groundwater Conservation District."  
Sec. 8824.205. ELECTION RESULTS; DISPOSITION OF ASSETS. If a majority of the votes in an election under this subchapter favor dissolution:  
(1) the board shall find that the district is dissolved; and  
(2) Section 36.310, Water Code, applies for the purpose of disposition of the district's assets.

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

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.  
(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.  
(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.  
(d) All requirements of the constitution and laws of this

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state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

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

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Same as House version.

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