

By: Eltife

S.B. No. 726

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Harrison 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 8850 to read as follows:

8 CHAPTER 8850. HARRISON COUNTY GROUNDWATER

9 CONSERVATION DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8850.001. DEFINITIONS. In this chapter:

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

14 (2) "Director" means a member of the board.

15 (3) "District" means the Harrison County Groundwater
16 Conservation District.

17 Sec. 8850.002. NATURE OF DISTRICT. The district is a
18 groundwater conservation district in Harrison County created under
19 and essential to accomplish the purposes of Section 59, Article
20 XVI, Texas Constitution.

21 Sec. 8850.003. CONFIRMATION ELECTION REQUIRED. If the
22 creation of the district is not confirmed at a confirmation
23 election held under Section 8850.023 before December 31, 2010:

24 (1) the district is dissolved December 31, 2010,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of
4 debts shall be transferred to Harrison County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2014.

9 Sec. 8850.004. INITIAL DISTRICT TERRITORY. The initial
10 boundaries of the district are coextensive with the boundaries of
11 Harrison County, Texas.

12 Sec. 8850.005. APPLICABILITY OF OTHER GROUNDWATER
13 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
14 chapter, Chapter 36, Water Code, applies to the district.

15 [Sections 8850.006-8850.020 reserved for expansion]

16 SUBCHAPTER A-1. TEMPORARY PROVISIONS

17 Sec. 8850.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
18 Not later than the 45th day after the effective date of the Act
19 enacting this chapter, five temporary directors shall be appointed
20 as follows:

21 (1) the Harrison County Commissioners Court shall
22 appoint four temporary directors, with one of the temporary
23 directors appointed from each of the four commissioners precincts
24 in the county to represent the precincts in which the temporary
25 directors reside; and

26 (2) the county judge of Harrison County shall appoint
27 one temporary director who resides in the district to represent the

1 district at large.

2 (b) Of the temporary directors, at least one director must
3 represent rural water suppliers in the district, one must represent
4 agricultural interests in the district, and one must represent
5 industrial interests in the district.

6 (c) If there is a vacancy on the temporary board of
7 directors of the district, the Harrison County Commissioners Court
8 shall appoint a person to fill the vacancy in a manner that meets
9 the representational requirements of this section.

10 (d) Temporary directors serve until the earlier of:

11 (1) the date initial directors are elected under
12 Section 8850.023; or

13 (2) the fourth anniversary of the effective date of
14 the Act creating this chapter.

15 (e) If initial directors have not been elected under Section
16 8850.023 and the terms of the temporary directors have expired,
17 successor temporary directors shall be appointed in the manner
18 provided by Subsections (a) and (b) to serve terms that expire on
19 the date this subchapter expires under Section 8850.026.

20 Sec. 8850.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Harrison County Courthouse.

1 Sec. 8850.023. CONFIRMATION AND INITIAL DIRECTORS'
2 ELECTION. (a) The temporary directors shall hold an election to
3 confirm the creation of the district and to elect the initial
4 directors of the district.

5 (b) The temporary directors shall have placed on the ballot
6 the names of all candidates for an initial director's position who
7 have filed an application for a place on the ballot as provided by
8 Section 52.003, Election Code.

9 (c) The ballot must be printed to provide for voting for or
10 against the proposition: "The creation of the Harrison County
11 Groundwater Conservation District."

12 (d) If the district levies a maintenance tax for payment of
13 expenses, the ballot must be printed to provide for voting for or
14 against the proposition: "The levy of a maintenance tax at a rate
15 not to exceed ____ cents for each \$100 of assessed valuation."

16 (e) Section 41.001(a), Election Code, does not apply to an
17 election held under this section.

18 (f) Except as provided by this section, an election under
19 this section must be conducted as provided by Sections
20 36.017(b)-(i), Water Code, and the Election Code. The provision of
21 Section 36.017(d), Water Code, relating to the election of
22 permanent directors does not apply to an election under this
23 section.

24 Sec. 8850.024. INITIAL DIRECTORS. (a) If creation of the
25 district is confirmed at an election held under Section 8850.023,
26 the directors elected shall take office as initial directors of the
27 district and serve on the board of directors until permanent

1 directors are elected under Section 8850.025 or 8850.053.

2 (b) The four initial directors representing the
3 commissioners precincts shall draw lots to determine which two
4 shall serve a term expiring June 1 following the first regularly
5 scheduled election of directors under Section 8850.025, and which
6 two shall serve a term expiring June 1 following the second
7 regularly scheduled election of directors. The at-large director
8 shall serve a term expiring June 1 following the second regularly
9 scheduled election of directors.

10 Sec. 8850.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
11 the uniform election date prescribed by Section 41.001, Election
12 Code, in May of the first even-numbered year after the year in which
13 the district is authorized to be created at a confirmation
14 election, an election shall be held in the district for the election
15 of two directors to replace the initial directors who, under
16 Section 8850.024(b), serve a term expiring June 1 following that
17 election.

18 Sec. 8850.026. EXPIRATION OF SUBCHAPTER. This subchapter
19 expires September 1, 2014.

20 [Sections 8850.027-8850.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 8850.051. DIRECTORS; TERMS. (a) The district is
23 governed by a board of five directors.

24 (b) Directors serve staggered four-year terms, with two or
25 three directors' terms expiring June 1 of each even-numbered year.

26 (c) A director may serve consecutive terms.

27 Sec. 8850.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS

1 PRECINCTS. (a) The directors of the district shall be elected
2 according to the commissioners precinct method as provided by this
3 section.

4 (b) One director shall be elected by the voters of the
5 entire district, and one director shall be elected from each county
6 commissioners precinct by the voters of that precinct.

7 (c) Except as provided by Subsection (e), to be eligible to
8 be a candidate for or to serve as director at large, a person must be
9 a registered voter in the district. To be a candidate for or to
10 serve as director from a county commissioners precinct, a person
11 must be a registered voter of that precinct.

12 (d) A person shall indicate on the application for a place
13 on the ballot:

14 (1) the precinct that the person seeks to represent;
15 or

16 (2) that the person seeks to represent the district at
17 large.

18 (e) 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 elected or appointed before the
22 effective date of the change whose term of office begins on or after
23 the effective date of the change, shall serve in the precinct to
24 which elected or appointed even though the change in boundaries
25 places the person's residence outside the precinct for which the
26 person was elected or appointed.

27 Sec. 8850.053. ELECTION DATE. The district shall hold an

1 election to elect the appropriate number of directors on the
2 uniform election date prescribed by Section 41.001, Election Code,
3 in May of each even-numbered year.

4 Sec. 8850.054. COMPENSATION. (a) Sections 36.060(a), (b),
5 and (d), Water Code, do not apply to the district.

6 (b) A director is entitled to receive compensation of not
7 more than \$50 a day for each day the director actually spends
8 performing the duties of a director. The compensation may not
9 exceed \$3,000 a year.

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

13 Sec. 8850.055. BOARD ACTION. A majority vote of a quorum is
14 required for board action. If there is a tie vote, the proposed
15 action fails.

16 [Sections 8850.056-8850.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8850.101. GENERAL POWERS. Except as otherwise
19 provided by this chapter, the district has all of the rights,
20 powers, privileges, functions, and duties provided by the general
21 law of this state applicable to groundwater conservation districts
22 created under Section 59, Article XVI, Texas Constitution.

23 Sec. 8850.102. PROHIBITION ON DISTRICT PURCHASE, SALE,
24 TRANSPORT, OR DISTRIBUTION OF WATER. The district may not
25 purchase, sell, transport, or distribute surface water or
26 groundwater for any purpose.

27 Sec. 8850.103. PROHIBITION ON DISTRICT USE OF EMINENT

1 DOMAIN POWER. The district may not exercise the power of eminent
2 domain.

3 Sec. 8850.104. REGIONAL COOPERATION. (a) In this section,
4 "designated groundwater management area" means an area designated
5 as a groundwater management area under Section 35.004, Water Code.

6 (b) To provide for regional continuity, the district shall
7 comply with the requirements of Section 36.108, Water Code, and:

8 (1) participate as needed in coordination meetings
9 with other groundwater conservation districts in its designated
10 groundwater management area;

11 (2) coordinate the collection of data with other
12 groundwater conservation districts in its designated groundwater
13 management area in such a way as to achieve relative uniformity of
14 data type and quality;

15 (3) coordinate efforts to monitor water quality with
16 other groundwater conservation districts in its designated
17 groundwater management area, local governments, and state
18 agencies;

19 (4) provide groundwater level data to other
20 groundwater conservation districts in its designated groundwater
21 management area;

22 (5) investigate any groundwater or aquifer pollution
23 with the intention of locating its source;

24 (6) notify other groundwater conservation districts
25 in its designated groundwater management area and all appropriate
26 agencies of any groundwater pollution detected;

27 (7) annually provide to other groundwater

1 conservation districts in its designated groundwater management
2 area an inventory of water wells and an estimate of groundwater
3 production in the district; and

4 (8) include other groundwater conservation districts
5 in its designated groundwater management area on the mailing lists
6 for district newsletters, seminars, public education events, news
7 articles, and field days.

8 [Sections 8850.105-8850.150 reserved for expansion]

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8850.151. LIMITATION ON TAXES. The district may not
11 impose ad valorem taxes at a rate that exceeds 1.5 cents on each
12 \$100 valuation of taxable property in the district.

13 Sec. 8850.152. FEES. (a) The board by rule may impose
14 reasonable fees on each well:

15 (1) for which a permit is issued by the district; and

16 (2) that is not exempt from district regulation.

17 (b) A production fee may be based on:

18 (1) the size of column pipe used by the well; or

19 (2) the amount of water actually withdrawn from the
20 well, or the amount authorized or anticipated to be withdrawn.

21 (c) The board shall base the initial production fee on the
22 criteria listed in Subsection (b)(2). The initial production fee:

23 (1) may not exceed:

24 (A) 25 cents per acre-foot for water used for
25 agricultural irrigation; or

26 (B) 4.25 cents per thousand gallons for water
27 used for any other purpose; and

1 (2) may be increased at a cumulative rate not to exceed
2 three percent per year.

3 (d) In addition to the production fee authorized under this
4 section, the district may assess an export fee on groundwater from a
5 well that is produced for transport outside the district.

6 (e) Fees authorized by this section may be:

7 (1) assessed annually;

8 (2) used to pay the cost of district operations; and

9 (3) used for any other purpose allowed under Chapter
10 36, Water Code.

11 Sec. 8850.153. LIMITATION ON INDEBTEDNESS. The district
12 may issue bonds and notes under Subchapter F, Chapter 36, Water
13 Code, except that the total indebtedness created by that issuance
14 may not exceed \$500,000 at any time.

15 SECTION 2. (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 3. 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, 2009.