

BILL ANALYSIS

C.S.H.B. 2640
By: Workman
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that certain land located in Travis County would benefit from the creation of a groundwater conservation district to manage and conserve groundwater. C.S.H.B. 2640 seeks to address this issue.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2640 amends the Special District Local Laws Code to create the Western Travis County Groundwater Conservation District. The bill establishes the authority of the district's temporary directors, including the authority to enter any public or private property located in the district to inspect a water well and to regulate, but not prohibit, the transfer of groundwater out of the district. The bill establishes the district's powers and duties. The bill, if it does not receive a vote of two-thirds of all the members elected to each house, prohibits the district from exercising the power of eminent domain.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2640 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8871 to read as follows: <u>CHAPTER 8871. WESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT</u>	SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8871 to read as follows: <u>CHAPTER 8871. WESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT</u>
<u>SUBCHAPTER A. GENERAL PROVISIONS</u>	<u>SUBCHAPTER A. GENERAL PROVISIONS</u>
<u>Sec. 8871.001. DEFINITIONS.</u>	<u>Sec. 8871.001. DEFINITIONS.</u>

Sec. 8871.002. NATURE OF DISTRICT.

Sec. 8871.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8871.024 before September 1, 2017:

- (1) the district is dissolved on September 1, 2017, except that the district shall:
 - (A) pay any debts incurred;
 - (B) transfer to Travis County any assets that remain after the payment of debts; and
 - (C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and
- (2) this chapter expires September 1, 2019.

Sec. 8871.004. FINDINGS OF PUBLIC USE AND BENEFIT.

Sec. 8871.005. INITIAL DISTRICT TERRITORY.

Sec. 8871.006. CONFLICTS OF LAW.

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8871.021. APPOINTMENT OF TEMPORARY DIRECTORS; VACANCIES; TERMS. (a) Five temporary directors shall be appointed not later than the 90th day after the effective date of the Act creating this chapter as follows:

- (1) the county judge of Travis County shall appoint two temporary directors;
- (2) the county commissioner for the county commissioners precinct in which the district is located shall appoint one temporary director;
- (3) the state representative who represents the house district in which the district is located shall appoint one temporary director; and
- (4) the state senator who represents the senate district in which the district is located shall appoint one temporary director.
- (b) If a temporary director fails to qualify for office or a vacancy occurs on the temporary board, the remaining temporary directors shall appoint a person to fill the vacancy. If at any time there are fewer than three temporary directors, the governor shall

Sec. 8871.002. NATURE OF DISTRICT.

No equivalent provision.

Sec. 8871.003. FINDINGS OF PUBLIC USE AND BENEFIT.

Sec. 8871.004. INITIAL DISTRICT TERRITORY.

Sec. 8871.005. CONFLICTS OF LAW.

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- (3) the state representative who represents the house district in which the district is located shall appoint one temporary director; and
- (4) the state senator who represents the senate district in which the district is located shall appoint one temporary director.
- (b) If a temporary director fails to qualify for office or a vacancy occurs on the temporary board, the remaining temporary directors shall appoint a person to fill the vacancy. If at any time there are fewer than three temporary directors, the governor shall

appoint the necessary number of persons to fill all vacancies on the board.

(c) Temporary directors serve until the earlier of:

(1) the date the creation of the district is confirmed and initial directors are elected at an election held under Section 8871.024; or

(2) the date the district is dissolved in accordance with Section 8871.003.

Sec. 8871.022. ORGANIZATIONAL MEETING.

Sec. 8871.023. AUTHORITY OF TEMPORARY DIRECTORS.

Sec. 8871.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary directors shall order an election to be held in the district to confirm the creation of the district and to elect the initial directors.

(b) At the confirmation and initial directors' election, the temporary board shall have placed on the ballot the names of the candidates for each of the five positions on the board. To be eligible to be a candidate for a position as a director, a person must reside in the district.

(c) Section 41.001(a), Election Code, applies to an election held under this section.

(d) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by the Election Code and Sections 36.017(b)-(h), Water Code.

(e) If a majority of the votes cast at the election are in favor of confirming the district's creation, the temporary directors shall declare the district created. If a majority of the votes cast are not in favor of confirming the district's creation, the district's creation is not confirmed. The temporary directors shall file a copy of the election results with the Texas Commission on Environmental Quality.

(f) If the district's creation is not confirmed at an election held under this section, the temporary directors may order one or more subsequent elections to be held to confirm the creation of the district not earlier than the first anniversary of the preceding confirmation election. If the district's creation is not confirmed at an election held

appoint the necessary number of persons to fill all vacancies on the board.

(c) Temporary directors serve until the date initial directors are elected at an election held under Section 8871.024.

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(b) At the initial directors' election, the temporary board shall have placed on the ballot the names of the candidates for each of the five positions on the board. To be eligible to be a candidate for a position as a director, a person must reside in the district.

(c) Section 41.001(a), Election Code, applies to an election held under this section.

(d) Except as provided by this section, the initial directors' election must be conducted as provided by the Election Code and Sections 36.017(b)-(h), Water Code.

under this section before September 1, 2017, the district is dissolved in accordance with Section 8871.003.

Sec. 8871.025. INITIAL DIRECTORS. (a) If the creation of the district is confirmed at an election held under Section 8871.024, the temporary directors, at the time the vote is canvassed, shall:

(1) declare for each board position the person who receives the most votes for that position to be elected as the initial director for that position; and

(2) include the results of the initial directors' election in the district's election report to the Texas Commission on Environmental Quality.

(b) The initial directors elected to positions 1 and 3 serve terms expiring June 1 of the first odd-numbered year after the date of the confirmation election, and the initial directors elected to positions 2, 4, and 5 serve terms expiring June 1 of the second odd-numbered year after the date of the confirmation election.

Sec. 8871.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2019.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8871.051. GOVERNING BODY; TERMS.

Sec. 8871.052. ELECTION DATE.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8871.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES.

SECTION 2. (a) Except as provided by Subsection (b), the Western Travis County Groundwater Conservation District initially includes all the territory contained in the following area:

Beginning at the point of intersection of the current western boundary of the Barton Springs-Edwards Aquifer Conservation District and the Colorado River, then

Sec. 8871.025. INITIAL DIRECTORS. (a) Promptly after the election has been held under Section 8871.024 and the votes have been canvassed, the temporary directors shall:

(1) declare for each board position the person who receives the most votes for that position to be elected as the initial director for that position; and

(2) include the results of the initial directors' election in the district's election report to the Texas Commission on Environmental Quality.

(b) The initial directors elected to positions 1 and 3 serve terms expiring June 1 of the first odd-numbered year after the date of the election, and the initial directors elected to positions 2, 4, and 5 serve terms expiring June 1 of the second odd-numbered year after the date of the election.

Sec. 8871.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2019.

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SECTION 2. (a) Except as provided by Subsection (b), the Western Travis County Groundwater Conservation District initially includes all the territory contained in the following area:

Beginning at the point of intersection of the current western boundary of the Barton Springs-Edwards Aquifer Conservation District and the Colorado River, then

following westerly along the southern border of the Colorado River and Lake Travis to the western Travis County Boundary, then proceeding south along the western Travis County Boundary to the intersection of the Travis County boundary and the Hays County boundary, then south east along the southern Travis County boundary to the current western boundary of the Barton Springs Edwards Aquifer Conservation District; then north-east along the western boundary of the Barton Springs-Edwards Aquifer Conservation District, the point of beginning.

(b) The territory of the Western Travis County Groundwater Conservation District does not include any territory that is in the corporate limits or extraterritorial jurisdiction of:

- (1) the City of Bee Cave;
- (2) the City of Lakeway; or
- (3) the Village of the Hills.

SECTION 3. The Western Travis County Groundwater Conservation District shall hold an election for directors under Section 8871.052, Special District Local Laws Code, as added by this Act, in the first odd-numbered year after the year in which the creation of the district is confirmed.

SECTION 4. (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, one of the required recipients, 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, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and

following westerly along the southern border of the Colorado River and Lake Travis to the western Travis County Boundary, then proceeding south along the western Travis County Boundary to the intersection of the Travis County boundary and the Hays County boundary, then south east along the southern Travis County boundary to the current western boundary of the Barton Springs Edwards Aquifer Conservation District; then north-east along the western boundary of the Barton Springs-Edwards Aquifer Conservation District, the point of beginning.

(b) The territory of the Western Travis County Groundwater Conservation District does not include any territory that **on the effective date of this Act** is in the corporate limits or extraterritorial jurisdiction of:

- (1) the City of Bee Cave;
- (2) the City of Lakeway;
- (3) **the City of West Lake Hills**; or
- (4) the Village of the Hills.

No equivalent provision.

SECTION 3. Same as introduced version.

laws of this 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 5. (a) Any eminent domain powers granted by general law that apply to the Western Travis County Groundwater Conservation District, as created by this Act, take effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8871, Special District Local Laws Code, as added by this Act, is amended by adding Section 8871.102 to read as follows:

Sec. 8871.102. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 6. This Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.