

By: Guillen

H.B. No. 776

A BILL TO BE ENTITLED

AN ACT

relating to the McMullen Groundwater Conservation District;
providing for the imposition of and limiting the rate at which the
district may impose an ad valorem tax.

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 8874 to read as follows:

CHAPTER 8874. MCMULLEN GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8874.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the McMullen Groundwater
Conservation District.

Sec. 8874.002. NATURE OF DISTRICT. The district is a
groundwater conservation district created under and essential to
accomplish the purposes of Section 59, Article XVI, Texas
Constitution.

Sec. 8874.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
district is created to serve a public use and benefit.

(b) All land and other property included in the district
will benefit from the works and projects accomplished by the
district under the powers conferred by Section 59, Article XVI,
Texas Constitution.

1 Sec. 8874.004. DISTRICT TERRITORY. The district's
2 boundaries are coextensive with the boundaries of McMullen County
3 unless the district's territory has been modified under:

- 4 (1) Subchapter J, Chapter 36, Water Code; or
5 (2) other law.

6 Sec. 8874.005. DISTRICT NAME CHANGE. The board may change
7 the district's name when the district annexes territory.

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. 8874.051. COMPOSITION OF BOARD; TERMS. (a) The
10 district is governed by a board of five directors.

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

12 Sec. 8874.052. ELECTION OF DIRECTORS. (a) Directors are
13 elected according to the commissioners precinct method as provided
14 by this section.

15 (b) One director is elected by the voters of the entire
16 district. One director is elected from each county commissioners
17 precinct by the voters of that precinct.

18 (c) A person shall indicate on the application for a place
19 on the ballot:

20 (1) the precinct that the person seeks to represent;

21 or

22 (2) that the person seeks to represent the district at
23 large.

24 (d) When the boundaries of the county commissioners
25 precincts are changed, each director in office on the effective
26 date of the change or elected to a term of office beginning on or
27 after the effective date of the change serves in the precinct to

1 which the director was elected for the entire term to which the
2 director was elected, even though the change in boundaries places
3 the person's residence outside the precinct for which the person
4 was elected.

5 Sec. 8874.053. ELECTION DATE. On the uniform election date
6 in November of each odd-numbered year, the appropriate number of
7 directors shall be elected.

8 Sec. 8874.054. QUALIFICATIONS FOR OFFICE. (a) To be
9 qualified to be a candidate for or to serve as director at large, a
10 person must be a registered voter in the district.

11 (b) To be a candidate for or to serve as director from a
12 county commissioners precinct, a person must be a registered voter
13 of that precinct, except as provided by Section 8874.052(d).

14 (c) A person is not eligible to serve as a director unless
15 the person owns land in the district.

16 Sec. 8874.055. BOARD VACANCY. If there is a vacancy on the
17 board, the remaining directors shall appoint a director to serve
18 the remainder of the term.

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8874.101. GROUNDWATER CONSERVATION DISTRICT POWERS
21 AND DUTIES. The district has the rights, powers, privileges,
22 functions, and duties provided by the general law of this state,
23 including Chapter 36, Water Code, applicable to groundwater
24 conservation districts created under Section 59, Article XVI, Texas
25 Constitution.

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8874.151. LIMITATION ON TAXES. The district may not

1 impose an ad valorem tax at a rate that exceeds five cents on each
2 \$100 valuation of taxable property in the district.

3 SECTION 2. Section 1(a), Chapter 1331, Acts of the 76th
4 Legislature, Regular Session, 1999, is amended to read as follows:

5 (a) The following groundwater conservation districts are
6 created:

7 (1) Crossroads Groundwater Conservation District;

8 (2) ~~[McMullen Groundwater Conservation District;~~

9 ~~[(3)]~~ Red Sands Groundwater Conservation District;

10 and

11 (3) ~~[(4)]~~ Southeast Trinity Groundwater Conservation
12 District.

13 SECTION 3. Section 2(a), Chapter 1331, Acts of the 76th
14 Legislature, Regular Session, 1999, is amended to read as follows:

15 (a) The ~~[boundaries of the following groundwater~~
16 ~~conservation districts are coextensive with county boundaries as~~
17 ~~follows:~~

18 ~~[(1) the]~~ boundaries of the Crossroads Groundwater
19 Conservation District are coextensive with the boundaries of
20 Victoria County ~~and~~

21 ~~[(2) the boundaries of the McMullen Groundwater~~
22 ~~Conservation District are coextensive with the boundaries of~~
23 ~~McMullen County].~~

24 SECTION 4. The following statutes are repealed:

25 (1) Part 6, Article 3, Chapter 966, Acts of the 77th
26 Legislature, Regular Session, 2001; and

27 (2) Chapter 1378, Acts of the 77th Legislature,

1 Regular Session, 2001.

2 SECTION 5. (a) The legal notice of the intention to
3 introduce this Act, setting forth the general substance of this
4 Act, has been published as provided by law, and the notice and a
5 copy of this Act have been furnished to all persons, agencies,
6 officials, or entities to which they are required to be furnished
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8 Government Code.

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor, the
14 lieutenant governor, and the speaker of the house of
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

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