

By: Workman

H.B. No. 2640

Substitute the following for H.B. No. 2640:

By: Miller of Comal

C.S.H.B. No. 2640

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Western Travis County Groundwater Conservation District; providing general law authority to issue bonds and exercise the power of eminent domain; providing general law authority to impose assessments, fees, surcharges, or taxes.

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 8871 to read as follows:

CHAPTER 8871. WESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8871.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Western Travis County Groundwater Conservation District.

Sec. 8871.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Travis County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8871.003. 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.

Sec. 8871.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

Sec. 8871.005. CONFLICTS OF LAW. To the extent of any conflict, this chapter or a rule adopted under this chapter prevails over an ordinance or order of Travis County.

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

1 appoint one temporary director;

2 (3) the state representative who represents the house  
3 district in which the district is located shall appoint one  
4 temporary director; and

5 (4) the state senator who represents the senate  
6 district in which the district is located shall appoint one  
7 temporary director.

8 (b) If a temporary director fails to qualify for office or a  
9 vacancy occurs on the temporary board, the remaining temporary  
10 directors shall appoint a person to fill the vacancy. If at any time  
11 there are fewer than three temporary directors, the governor shall  
12 appoint the necessary number of persons to fill all vacancies on the  
13 board.

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

16 Sec. 8871.022. ORGANIZATIONAL MEETING. (a) Not later than  
17 the 45th day after the date on which the fifth temporary director is  
18 appointed under Section 8871.021, the temporary directors shall  
19 hold the organizational meeting of the district.

20 (b) The temporary directors shall select from among  
21 themselves a president, a vice president, and a secretary.

22 Sec. 8871.023. AUTHORITY OF TEMPORARY DIRECTORS. (a)  
23 Except as provided by Subsections (c) and (d) or otherwise by this  
24 subchapter, the temporary directors of the district have the same  
25 permitting and general management powers as those granted to  
26 initial and permanent directors under Chapter 36, Water Code.

27 (b) The temporary directors or their designees have the

1 authority to enter any public or private property located in the  
2 district to inspect a water well as provided by Section 36.123,  
3 Water Code.

4 (c) Except as provided by Section 8871.024, the temporary  
5 directors do not have the authority granted by the following  
6 provisions of Chapter 36, Water Code:

7 (1) Sections 36.017, 36.019, 36.020, and 36.059;

8 (2) Sections 36.105, 36.1071, 36.1072, 36.1073, and  
9 36.108;

10 (3) Sections 36.171-36.181;

11 (4) Sections 36.201-36.204; and

12 (5) Subchapters J and K.

13 (d) The temporary directors may regulate the transfer of  
14 groundwater out of the district as provided by Section 36.122,  
15 Water Code, but may not prohibit the transfer of groundwater out of  
16 the district.

17 Sec. 8871.024. INITIAL DIRECTORS' ELECTION. (a) The  
18 temporary directors shall order an election to be held in the  
19 district to elect the initial directors.

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

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

26 (d) Except as provided by this section, the initial  
27 directors' election must be conducted as provided by the Election

Code and Sections 36.017(b)-(h), Water Code.

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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8871.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors elected at large.

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

Sec. 8871.052. 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 May of each odd-numbered year.

SUBCHAPTER C. POWERS AND DUTIES

1       Sec. 8871.101. GROUNDWATER CONSERVATION DISTRICT POWERS  
2 AND DUTIES. Except as otherwise provided by this chapter, the  
3 district has the powers and duties provided by the general law of  
4 this state, including Chapter 36, Water Code, applicable to  
5 groundwater conservation districts created under Section 59,  
6 Article XVI, Texas Constitution.

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

10       Beginning at the point of intersection of the current western  
11 boundary of the Barton Springs-Edwards Aquifer Conservation  
12 District and the Colorado River, then following westerly along the  
13 southern border of the Colorado River and Lake Travis to the western  
14 Travis County Boundary, then proceeding south along the western  
15 Travis County Boundary to the intersection of the Travis County  
16 boundary and the Hays County boundary, then south east along the  
17 southern Travis County boundary to the current western boundary of  
18 the Barton Springs Edwards Aquifer Conservation District; then  
19 north-east along the western boundary of the Barton Springs-Edwards  
20 Aquifer Conservation District, the point of beginning.

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

- 25               (1) the City of Bee Cave;  
26               (2) the City of Lakeway;  
27               (3) the City of West Lake Hills; or

(4) the Village of the Hills.

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, 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 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 4. (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

1 Section 8871.102 to read as follows:

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

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

7 SECTION 5. This Act takes effect September 1, 2013.