

By: Workman

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, and 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. 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. (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. 8871.005. 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. 8871.006. 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 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 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

1 8871.024; or

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

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

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

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

15 (b) The temporary directors or their designees have the
16 authority to enter any public or private property located in the
17 district to inspect a water well as provided by Section 36.123,
18 Water Code.

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

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

23 (2) Sections 36.105, 36.1071, 36.1072, 36.1073, and
24 36.108;

25 (3) Sections 36.171-36.181;

26 (4) Sections 36.201-36.204; and

27 (5) Subchapters J and K.

1 (d) The temporary directors may regulate the transfer of
2 groundwater out of the district as provided by Section 36.122,
3 Water Code, but may not prohibit the transfer of groundwater out of
4 the district.

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

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

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

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

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

26 (f) If the district's creation is not confirmed at an
27 election held under this section, the temporary directors may order

1 one or more subsequent elections to be held to confirm the creation
2 of the district not earlier than the first anniversary of the
3 preceding confirmation election. If the district's creation is not
4 confirmed at an election held under this section before September
5 1, 2017, the district is dissolved in accordance with Section
6 8871.003.

7 Sec. 8871.025. INITIAL DIRECTORS. (a) If the creation of
8 the district is confirmed at an election held under Section
9 8871.024, the temporary directors, at the time the vote is
10 canvassed, shall:

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

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

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

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

24 SUBCHAPTER B. BOARD OF DIRECTORS

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

27 (b) Directors serve staggered four-year terms, with two or

1 three directors' terms expiring June 1 of each odd-numbered year.

2 Sec. 8871.052. ELECTION DATE. The district shall hold an
3 election to elect the appropriate number of directors on the
4 uniform election date prescribed by Section 41.001, Election Code,
5 in May of each odd-numbered year.

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 8871.101. GROUNDWATER CONSERVATION DISTRICT POWERS
8 AND DUTIES. Except as otherwise provided by this chapter, the
9 district has the powers and duties provided by the general law of
10 this state, including Chapter 36, Water Code, applicable to
11 groundwater conservation districts created under Section 59,
12 Article XVI, Texas Constitution.

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

16 Beginning at the point of intersection of the current western
17 boundary of the Barton Springs-Edwards Aquifer Conservation
18 District and the Colorado River, then following westerly along the
19 southern border of the Colorado River and Lake Travis to the western
20 Travis County Boundary, then proceeding south along the western
21 Travis County Boundary to the intersection of the Travis County
22 boundary and the Hays County boundary, then south east along the
23 southern Travis County boundary to the current western boundary of
24 the Barton Springs Edwards Aquifer Conservation District; then
25 north-east along the western boundary of the Barton Springs-Edwards
26 Aquifer Conservation District, the point of beginning.

27 (b) The territory of the Western Travis County Groundwater

1 Conservation District does not include any territory that is in the
2 corporate limits or extraterritorial jurisdiction of:

3 (1) the City of Bee Cave;

4 (2) the City of Lakeway; or

5 (3) the Village of the Hills.

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

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

18 (b) The governor, one of the required recipients, has
19 submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

21 (c) The Texas Commission on Environmental Quality has filed
22 its recommendations relating to this Act with the governor, the
23 lieutenant governor, and the speaker of the house of
24 representatives within the required time.

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

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

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

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

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

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