

By: Uresti

S.B. No. 890

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Reeves County Groundwater Conservation District; providing authority to issue bonds; providing authority to impose fees, surcharges, 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 8876 to read as follows:

CHAPTER 8876. REEVES COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8876.001. DEFINITIONS. In this chapter:

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

(2) "Commissioners court" means the Reeves County Commissioners Court.

(3) "Director" means a member of the board.

(4) "District" means the Reeves County Groundwater Conservation District.

Sec. 8876.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Reeves County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8876.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8876.022 before December 31, 2018:

1           (1) the district is dissolved December 31, 2018,  
2 except that:

3                   (A) any debts incurred shall be paid;

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

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

9           (2) this chapter expires December 31, 2020.

10       Sec. 8876.004. INITIAL DISTRICT TERRITORY. The initial  
11 boundaries of the district are coextensive with the boundaries of  
12 Reeves County.

13       Sec. 8876.005. APPLICABILITY OF OTHER GROUNDWATER  
14 CONSERVATION DISTRICT LAW. (a) Except as otherwise provided by  
15 this chapter, Chapter 36, Water Code, applies to the district.

16       (b) Section 36.121, Water Code, does not apply to the  
17 district.

18                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

19       Sec. 8876.021. APPOINTMENT OF TEMPORARY DIRECTORS; TERMS.  
20 (a) Not later than the 45th day after the effective date of the Act  
21 enacting this chapter, the commissioners court shall appoint  
22 temporary directors as follows:

23                   (1) three directors shall represent agricultural  
24 interests;

25                   (2) three directors shall represent municipal water  
26 interests; and

27                   (3) one director shall represent rural domestic water

1 supply interests.

2 (b) For the purpose of Subsection (a), a person appointed to  
3 represent agricultural interests must be involved in agriculture,  
4 as defined by Section 11.002(12), Water Code.

5 (c) To be appointed under this section, a person must  
6 satisfy the requirements for holding elective office under Section  
7 141.001, Election Code.

8 (d) If there is a vacancy on the temporary board of  
9 directors of the district, the commissioners court shall appoint a  
10 person to fill the vacancy in a manner that meets the  
11 representational requirements of this section.

12 (e) Temporary directors serve until the earlier of:

13 (1) the date the temporary directors become initial  
14 directors under Section 8876.023; or

15 (2) the fourth anniversary of the effective date of  
16 the Act creating this chapter.

17 (f) If the temporary directors have not become initial  
18 directors under Section 8876.023 and the terms of the temporary  
19 directors have expired, successor temporary directors shall be  
20 appointed in the manner provided by Subsections (a), (b), and (c) to  
21 serve terms that expire on the date the successor temporary  
22 directors become initial directors under Section 8876.023 or this  
23 subchapter expires under Section 8876.024.

24 Sec. 8876.022. CONFIRMATION ELECTION. (a) The temporary  
25 directors shall hold an election to confirm the creation of the  
26 district.

27 (b) Section 41.001(a), Election Code, does not apply to an

election held under this section.

(c) Except as provided by this section, a confirmation election must be conducted as provided by Sections 36.017(b)-(i), Water Code, and the Election Code. The provision of Section 36.017(d), Water Code, relating to the election of directors does not apply to an election under this section.

(d) 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 under this section before December 31, 2018, the district is dissolved in accordance with Section 8876.003.

(e) The costs of an election held under this chapter may be paid by Reeves County.

Sec. 8876.023. INITIAL DIRECTORS. (a) If the creation of the district is confirmed at an election held under Section 8876.022, the temporary directors become the initial directors and serve until permanent directors are appointed under Section 8876.052.

(b) The initial directors of the board shall draw lots to determine which three directors shall serve a term expiring December 1 of the year two years after the date of the election in which the district is confirmed and which four directors shall serve a term expiring December 1 of the year four years after the date of the election in which the district is confirmed.

1       Sec. 8876.024. EXPIRATION OF SUBCHAPTER. This subchapter  
2 expires December 31, 2020.

3               SUBCHAPTER B. BOARD OF DIRECTORS

4       Sec. 8876.051. COMPOSITION OF BOARD. The district is  
5 governed by a board of seven appointed directors.

6       Sec. 8876.052. TERMS AND APPOINTMENT OF DIRECTORS. (a)  
7 Directors serve staggered four-year terms, with three or four  
8 terms expiring December 1 every other year. Directors are  
9 appointed by the commissioners court as follows:

10           (1) three directors shall represent agricultural  
11 interests;

12           (2) three directors shall represent municipal water  
13 interests; and

14           (3) one director shall represent rural domestic water  
15 supply interests.

16       (b) For the purpose of Subsection (a), a person appointed to  
17 represent agricultural interests must be involved in agriculture,  
18 as defined by Section 11.002(12), Water Code.

19       (c) To be appointed under this section, a person must  
20 satisfy the requirements for holding elective office under Section  
21 141.001, Election Code.

22       (d) A director may serve two consecutive terms and may serve  
23 another two consecutive terms after not serving for four years.

24       (e) The commissioners court shall appoint a director to  
25 succeed a serving director on or before the date the serving  
26 director's term expires.

27       Sec. 8876.053. VACANCIES. If there is a vacancy on the

1 board, the commissioners court shall appoint a person to fill the  
2 vacancy for the remainder of the term in a manner that meets the  
3 representational requirements of Section 8876.052.

4 Sec. 8876.054. COMPENSATION. (a) Sections 36.060(a), (b),  
5 and (d), Water Code, do not apply to the district.

6 (b) A director is not entitled to receive compensation. The  
7 board may authorize a director to receive reimbursement for the  
8 director's reasonable expenses incurred while engaging in  
9 activities on behalf of the board.

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8876.101. GENERAL POWERS. Except as otherwise  
12 provided by this chapter, the district has all of the rights,  
13 powers, privileges, functions, and duties provided by the general  
14 law of this state applicable to groundwater conservation districts  
15 created under Section 59, Article XVI, Texas Constitution.

16 Sec. 8876.102. NO EMINENT DOMAIN POWER. The district may  
17 not exercise the power of eminent domain.

18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

19 Sec. 8876.151. LIMITATION ON TAXES. The district may not  
20 impose ad valorem taxes at a rate that exceeds three cents on each  
21 \$100 valuation of taxable property in the district.

22 Sec. 8876.152. APPLICABILITY OF CERTAIN TAX PROVISIONS.  
23 (a) Sections 26.04, 26.05, 26.06, and 26.07, Tax Code, do not apply  
24 to a tax imposed by the district.

25 (b) Section 49.236, Water Code, as added by Chapter 248  
26 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003,  
27 applies to the district.

1       Sec. 8876.153. LIMITATION ON INDEBTEDNESS. The district  
2 may issue bonds and notes under Subchapter F, Chapter 36, Water  
3 Code, except that the total indebtedness created by that issuance  
4 may not exceed \$250,000 at any time.

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

12       (b) The governor, one of the required recipients, has  
13 submitted the notice and Act to the Texas Commission on  
14 Environmental Quality.

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

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

23       SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.