

1-1 By: Uresti S.B. No. 890  
1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,  
1-3 read first time and referred to Committee on Natural Resources;  
1-4 March 13, 2013, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; March 13, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Fraser	X			
1-9	Estes	X			
1-10	Deuell			X	
1-11	Duncan	X			
1-12	Ellis	X			
1-13	Eltife	X			
1-14	Hegar	X			
1-15	Hinojosa	X			
1-16	Nichols	X			
1-17	Seliger	X			
1-18	Uresti			X	

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the creation of the Reeves County Groundwater  
1-22 Conservation District; providing authority to issue bonds;  
1-23 providing authority to impose fees, surcharges, and taxes.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle H, Title 6, Special District Local Laws  
1-26 Code, is amended by adding Chapter 8876 to read as follows:

1-27 CHAPTER 8876. REEVES COUNTY GROUNDWATER CONSERVATION DISTRICT

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 8876.001. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the board of directors of the  
1-31 district.

1-32 (2) "Commissioners court" means the Reeves County  
1-33 Commissioners Court.

1-34 (3) "Director" means a member of the board.

1-35 (4) "District" means the Reeves County Groundwater  
1-36 Conservation District.

1-37 Sec. 8876.002. NATURE OF DISTRICT. The district is a  
1-38 groundwater conservation district in Reeves County created under  
1-39 and essential to accomplish the purposes of Section 59, Article  
1-40 XVI, Texas Constitution.

1-41 Sec. 8876.003. CONFIRMATION ELECTION REQUIRED. If the  
1-42 creation of the district is not confirmed at a confirmation  
1-43 election held under Section 8876.022 before December 31, 2018:

1-44 (1) the district is dissolved December 31, 2018,  
1-45 except that:

1-46 (A) any debts incurred shall be paid;

1-47 (B) any assets that remain after the payment of  
1-48 debts shall be transferred to Reeves County; and

1-49 (C) the organization of the district shall be  
1-50 maintained until all debts are paid and remaining assets are  
1-51 transferred; and

1-52 (2) this chapter expires December 31, 2020.

1-53 Sec. 8876.004. INITIAL DISTRICT TERRITORY. The initial  
1-54 boundaries of the district are coextensive with the boundaries of  
1-55 Reeves County.

1-56 Sec. 8876.005. APPLICABILITY OF OTHER GROUNDWATER  
1-57 CONSERVATION DISTRICT LAW. (a) Except as otherwise provided by  
1-58 this chapter, Chapter 36, Water Code, applies to the district.

1-59 (b) Section 36.121, Water Code, does not apply to the  
1-60 district.

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## SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8876.021. APPOINTMENT OF TEMPORARY DIRECTORS; TERMS.

(a) Not later than the 45th day after the effective date of the Act enacting this chapter, the commissioners court shall appoint temporary directors as follows:

(1) three directors shall represent agricultural interests;

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

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

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

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

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

(e) Temporary directors serve until the earlier of:

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

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

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

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

(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.

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

## SUBCHAPTER B. BOARD OF DIRECTORS

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

3-1 Sec. 8876.052. TERMS AND APPOINTMENT OF DIRECTORS. (a)  
 3-2 Directors serve staggered four-year terms, with three or four  
 3-3 terms expiring December 1 every other year. Directors are  
 3-4 appointed by the commissioners court as follows:

3-5 (1) three directors shall represent agricultural  
 3-6 interests;

3-7 (2) three directors shall represent municipal water  
 3-8 interests; and

3-9 (3) one director shall represent rural domestic water  
 3-10 supply interests.

3-11 (b) For the purpose of Subsection (a), a person appointed to  
 3-12 represent agricultural interests must be involved in agriculture,  
 3-13 as defined by Section 11.002(12), Water Code.

3-14 (c) To be appointed under this section, a person must  
 3-15 satisfy the requirements for holding elective office under Section  
 3-16 141.001, Election Code.

3-17 (d) A director may serve two consecutive terms and may serve  
 3-18 another two consecutive terms after not serving for four years.

3-19 (e) The commissioners court shall appoint a director to  
 3-20 succeed a serving director on or before the date the serving  
 3-21 director's term expires.

3-22 Sec. 8876.053. VACANCIES. If there is a vacancy on the  
 3-23 board, the commissioners court shall appoint a person to fill the  
 3-24 vacancy for the remainder of the term in a manner that meets the  
 3-25 representational requirements of Section 8876.052.

3-26 Sec. 8876.054. COMPENSATION. (a) Sections 36.060(a), (b),  
 3-27 and (d), Water Code, do not apply to the district.

3-28 (b) A director is not entitled to receive compensation. The  
 3-29 board may authorize a director to receive reimbursement for the  
 3-30 director's reasonable expenses incurred while engaging in  
 3-31 activities on behalf of the board.

#### 3-32 SUBCHAPTER C. POWERS AND DUTIES

3-33 Sec. 8876.101. GENERAL POWERS. Except as otherwise  
 3-34 provided by this chapter, the district has all of the rights,  
 3-35 powers, privileges, functions, and duties provided by the general  
 3-36 law of this state applicable to groundwater conservation districts  
 3-37 created under Section 59, Article XVI, Texas Constitution.

3-38 Sec. 8876.102. NO EMINENT DOMAIN POWER. The district may  
 3-39 not exercise the power of eminent domain.

#### 3-40 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-41 Sec. 8876.151. LIMITATION ON TAXES. The district may not  
 3-42 impose ad valorem taxes at a rate that exceeds three cents on each  
 3-43 \$100 valuation of taxable property in the district.

3-44 Sec. 8876.152. APPLICABILITY OF CERTAIN TAX PROVISIONS.  
 3-45 (a) Sections 26.04, 26.05, 26.06, and 26.07, Tax Code, do not apply  
 3-46 to a tax imposed by the district.

3-47 (b) Section 49.236, Water Code, as added by Chapter 248  
 3-48 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003,  
 3-49 applies to the district.

3-50 Sec. 8876.153. LIMITATION ON INDEBTEDNESS. The district  
 3-51 may issue bonds and notes under Subchapter F, Chapter 36, Water  
 3-52 Code, except that the total indebtedness created by that issuance  
 3-53 may not exceed \$250,000 at any time.

3-54 SECTION 2. (a) The legal notice of the intention to  
 3-55 introduce this Act, setting forth the general substance of this  
 3-56 Act, has been published as provided by law, and the notice and a  
 3-57 copy of this Act have been furnished to all persons, agencies,  
 3-58 officials, or entities to which they are required to be furnished  
 3-59 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 3-60 Government Code.

3-61 (b) The governor, one of the required recipients, has  
 3-62 submitted the notice and Act to the Texas Commission on  
 3-63 Environmental Quality.

3-64 (c) The Texas Commission on Environmental Quality has filed  
 3-65 its recommendations relating to this Act with the governor, the  
 3-66 lieutenant governor, and the speaker of the house of  
 3-67 representatives within the required time.

3-68 (d) All requirements of the constitution and laws of this  
 3-69 state and the rules and procedures of the legislature with respect

4-1 to the notice, introduction, and passage of this Act are fulfilled  
4-2 and accomplished.

4-3 SECTION 3. This Act takes effect immediately if it receives  
4-4 a vote of two-thirds of all the members elected to each house, as  
4-5 provided by Section 39, Article III, Texas Constitution. If this  
4-6 Act does not receive the vote necessary for immediate effect, this  
4-7 Act takes effect September 1, 2013.

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