

By: Hegar
(Morrison)

S.B. No. 1835

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Calhoun County Groundwater Conservation District;
3 providing authority to impose a voter-approved tax.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsections (a) and (b), Section 8860.022,
6 Special District Local Laws Code, are amended to read as follows:

7 (a) The [~~Not later than October 1, 2011, the~~] temporary
8 directors shall meet and shall order an election to be held in the
9 district not later than December 31, 2016 [~~September 1, 2012~~], to
10 confirm the creation of the district.

11 (b) The ballot for the election shall be printed to provide
12 for voting for or against the proposition: "The creation of the
13 Calhoun County Groundwater Conservation District." The ballot may
14 also include a provision to vote for or against [~~and~~] the district's
15 imposition of a tax not to exceed two cents on each \$100 valuation
16 of taxable property in the district or a fee to pay the maintenance
17 and operating costs of the district.["]

18 SECTION 2. Section 8860.152, Special District Local Laws
19 Code, is amended to read as follows:

20 Sec. 8860.152. LIMITATION ON TAXES [~~PROHIBITED~~]. The
21 district may not impose an ad valorem [~~a~~] tax at a rate that exceeds
22 two cents on each \$100 valuation of taxable property in the
23 district, and any tax imposed under this section must first be
24 approved by the voters of the district at the election held to

1 confirm the creation of the district or at a separate election held
2 in accordance with Section 36.201 [~~does not have the authority~~
3 ~~granted by Sections 36.020 and 36.201-36.204~~], Water Code[~~,~~
4 ~~relating to taxes~~].

5 SECTION 3. (a) The legislature validates and confirms all
6 governmental acts and proceedings of the Calhoun County
7 Commissioners Court relating to the appointment of temporary
8 directors of the Calhoun County Groundwater Conservation District
9 and of that district that were taken before the effective date of
10 this Act.

11 (b) This section does not apply to any matter that on the
12 effective date of this Act:

13 (1) is involved in litigation if the litigation
14 ultimately results in the matter being held invalid by a final court
15 judgment; or

16 (2) has been held invalid by a final court judgment.

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

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

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