

By: Morrison

H.B. No. 4207

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Aransas County Groundwater Conservation District; providing authority to issue bonds and impose a tax; providing general law authority to impose fees and surcharges.

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 8823 to read as follows:

CHAPTER 8823. ARANSAS COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8823.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Aransas County Groundwater Conservation District.

Sec. 8823.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Aransas County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8823.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2019:

1 (1) the district is dissolved on September 1, 2019,
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 Aransas 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 on September 1, 2021.

10 Sec. 8823.004. INITIAL DISTRICT TERRITORY. The initial
11 boundaries of the district are coextensive with the boundaries of
12 Aransas County, Texas.

13 Sec. 8823.005. APPLICABILITY OF OTHER GROUNDWATER
14 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
15 chapter, Chapter 36, Water Code, applies to the district.

16 SUBCHAPTER A-1. TEMPORARY PROVISIONS

17 Sec. 8823.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
18 Not later than the 10th day after September 1, 2015, the Aransas
19 County Commissioners Court shall appoint five temporary directors
20 as follows:

21 (1) one temporary director shall be appointed from
22 each of the four commissioner precincts in the county to represent
23 the precinct in which the temporary director resides; and

24 (2) one temporary director who resides in the district
25 shall be appointed to represent the district at large.

26 (b) If there is a vacancy on the temporary board of
27 directors of the district, the remaining temporary directors shall

1 select a qualified person to fill the vacancy. If, at any time,
2 there are fewer than three qualified temporary directors, the
3 Aransas County Commissioners Court shall appoint the necessary
4 number of persons to fill all vacancies on the board.

5 (c) To be eligible to serve as a temporary director, a
6 person must be a resident of Aransas County and at least 18 years of
7 age.

8 (d) Temporary directors serve until the earlier of:

9 (1) the time the temporary directors become initial
10 directors as provided by Section 8823.024; or

11 (2) the date the district is dissolved under Section
12 8823.003.

13 Sec. 8823.022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 36.055, Water Code, a
16 majority of the temporary directors shall convene the
17 organizational meeting of the district at a location within the
18 district agreeable to a majority of the directors. If an agreement
19 on location cannot be reached, the organizational meeting shall be
20 at the Aransas County Courthouse. At the meeting, the temporary
21 directors shall elect a chair, vice chair, and secretary from among
22 the temporary directors.

23 Sec. 8823.023. CONFIRMATION ELECTION. (a) The temporary
24 board shall order an election to be held on a uniform election date
25 prescribed by Section 41.001, Election Code, in May of the first
26 even-numbered year after the effective date of this Act to confirm
27 the creation of the district.

1 (b) The ballot for the election must be printed to permit
2 voting for or against the following proposition: "The creation of
3 the Aransas County Groundwater Conservation District and the
4 imposition of an ad valorem tax in the district at a rate not to
5 exceed one cent for each \$100 of assessed valuation."

6 (c) The temporary board may include any other proposition on
7 the ballot that it considers necessary.

8 (d) Except as provided by this section, a confirmation
9 election must be conducted as provided by Sections 36.017(b)-(i),
10 Water Code, and the Election Code. The provision of Section
11 36.017(d), Water Code, relating to the election of permanent
12 directors does not apply to a confirmation election under this
13 section.

14 Sec. 8823.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8823.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8823.025.

19 (b) The initial directors shall draw lots to determine which
20 two directors serve until the first regularly scheduled election of
21 directors under Section 8823.025 and which three directors serve
22 until the second regularly scheduled election of directors under
23 Section 8823.053.

24 Sec. 8823.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
25 the uniform election date prescribed by Section 41.001, Election
26 Code, in November of the first even-numbered year after the year in
27 which the creation of the district is confirmed at an election held

1 under Section 8823.023, an election shall be held in the district
2 for the election of two directors to replace the initial directors
3 who, under Section 8823.024(b), serve until that election.

4 Sec. 8823.026. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2021.

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8823.051. DIRECTORS; TERMS. (a) The district is
8 governed by a board of five directors.

9 (b) Directors serve staggered four-year terms.

10 Sec. 8823.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
11 PRECINCTS. (a) The directors of the district shall be elected
12 according to the commissioners precinct method as provided by this
13 section.

14 (b) One director shall be elected by the voters of the
15 entire district, and one director shall be elected from each county
16 commissioners precinct by the voters of that precinct.

17 (c) Except as provided by Subsection (e), to be eligible to
18 be a candidate for or to serve as director at large, a person must be
19 at least 18 years of age and a resident of the district. To be a
20 candidate for or to serve as director from a county commissioners
21 precinct, a person must be at least 18 years of age and a resident of
22 that precinct.

23 (d) A person shall indicate on the application for a place
24 on the ballot:

25 (1) the precinct that the person seeks to represent;

26 or

27 (2) that the person seeks to represent the district at

1 large.

2 (e) A person's eligibility to serve a term as director is
3 not affected when the county commissioners precincts are redrawn
4 after each federal decennial census to reflect population changes
5 by a boundary change that:

6 (1) removes the person's residence from the precinct
7 the person serves; and

8 (2) takes effect during the term for which the person
9 was elected or appointed.

10 Sec. 8823.053. ELECTION DATE. After the creation of the
11 district is confirmed, the district shall hold an election to elect
12 the appropriate number of directors on the uniform election date
13 prescribed by Section 41.001, Election Code, in November of each
14 even-numbered year.

15 Sec. 8823.054. VACANCIES. A vacancy on the board shall be
16 filled by appointment of the board until the next regularly
17 scheduled directors' election. The person appointed to fill the
18 vacancy shall serve only for the remainder of the unexpired term.

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8823.101. PROHIBITION ON DISTRICT USE OF EMINENT
21 DOMAIN. The district may not exercise the power of eminent domain.

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8823.151. LIMITATION ON TAXES. The district may not
24 impose ad valorem taxes at a rate that exceeds one cent on each \$100
25 of assessed valuation of taxable property in the district.

26 SECTION 2. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor, one of the required recipients, has
7 submitted the notice and Act to the Texas Commission on
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this Act with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this Act are fulfilled
16 and accomplished.

17 SECTION 3. This Act takes effect September 1, 2015.