

1-1 By: Morrison (Senate Sponsor - Kolkhorst) H.B. No. 4207
 1-2 (In the Senate - Received from the House May 18, 2015;
 1-3 May 18, 2015, read first time and referred to Committee on
 1-4 Administration; May 21, 2015, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Uresti	X			
1-9 Campbell	X			
1-10 Eltife	X			
1-11 Huffines	X			
1-12 Schwertner			X	
1-13 West	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Aransas County Groundwater
 1-18 Conservation District; providing authority to issue bonds and
 1-19 impose a tax; providing general law authority to impose fees and
 1-20 surcharges.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle H, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 8823 to read as follows:

1-24 CHAPTER 8823. ARANSAS COUNTY GROUNDWATER

1-25 CONSERVATION DISTRICT

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8823.001. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the board of directors of the
 1-29 district.

1-30 (2) "Director" means a member of the board.

1-31 (3) "District" means the Aransas County Groundwater
 1-32 Conservation District.

1-33 Sec. 8823.002. NATURE OF DISTRICT. The district is a
 1-34 groundwater conservation district in Aransas County created under
 1-35 and essential to accomplish the purposes of Section 59, Article
 1-36 XVI, Texas Constitution.

1-37 Sec. 8823.003. CONFIRMATION ELECTION REQUIRED. If the
 1-38 creation of the district is not confirmed at a confirmation
 1-39 election held before September 1, 2019:

1-40 (1) the district is dissolved on September 1, 2019,
 1-41 except that:

1-42 (A) any debts incurred shall be paid;

1-43 (B) any assets that remain after the payment of
 1-44 debts shall be transferred to Aransas County; and

1-45 (C) the organization of the district shall be
 1-46 maintained until all debts are paid and remaining assets are
 1-47 transferred; and

1-48 (2) this chapter expires on September 1, 2021.

1-49 Sec. 8823.004. INITIAL DISTRICT TERRITORY. The initial
 1-50 boundaries of the district are coextensive with the boundaries of
 1-51 Aransas County, Texas.

1-52 Sec. 8823.005. APPLICABILITY OF OTHER GROUNDWATER
 1-53 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
 1-54 chapter, Chapter 36, Water Code, applies to the district.

1-55 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-56 Sec. 8823.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
 1-57 Not later than the 10th day after September 1, 2015, the Aransas
 1-58 County Commissioners Court shall appoint five temporary directors
 1-59 as follows:

1-60 (1) one temporary director shall be appointed from
 1-61 each of the four commissioner precincts in the county to represent

2-1 the precinct in which the temporary director resides; and
 2-2 (2) one temporary director who resides in the district
 2-3 shall be appointed to represent the district at large.

2-4 (b) If there is a vacancy on the temporary board of
 2-5 directors of the district, the remaining temporary directors shall
 2-6 select a qualified person to fill the vacancy. If, at any time,
 2-7 there are fewer than three qualified temporary directors, the
 2-8 Aransas County Commissioners Court shall appoint the necessary
 2-9 number of persons to fill all vacancies on the board.

2-10 (c) To be eligible to serve as a temporary director, a
 2-11 person must be a resident of Aransas County and at least 18 years of
 2-12 age.

2-13 (d) Temporary directors serve until the earlier of:
 2-14 (1) the time the temporary directors become initial
 2-15 directors as provided by Section 8823.024; or
 2-16 (2) the date the district is dissolved under Section
 2-17 8823.003.

2-18 Sec. 8823.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-19 DIRECTORS. As soon as practicable after all the temporary
 2-20 directors have qualified under Section 36.055, Water Code, a
 2-21 majority of the temporary directors shall convene the
 2-22 organizational meeting of the district at a location within the
 2-23 district agreeable to a majority of the directors. If an agreement
 2-24 on location cannot be reached, the organizational meeting shall be
 2-25 at the Aransas County Courthouse. At the meeting, the temporary
 2-26 directors shall elect a chair, vice chair, and secretary from among
 2-27 the temporary directors.

2-28 Sec. 8823.023. CONFIRMATION ELECTION. (a) The temporary
 2-29 board shall order an election to be held on a uniform election date
 2-30 prescribed by Section 41.001, Election Code, in May of the first
 2-31 even-numbered year after the effective date of this Act to confirm
 2-32 the creation of the district.

2-33 (b) The ballot for the election must be printed to permit
 2-34 voting for or against the following proposition: "The creation of
 2-35 the Aransas County Groundwater Conservation District and the
 2-36 imposition of an ad valorem tax in the district at a rate not to
 2-37 exceed one cent for each \$100 of assessed valuation."

2-38 (c) The temporary board may include any other proposition on
 2-39 the ballot that it considers necessary.

2-40 (d) Except as provided by this section, a confirmation
 2-41 election must be conducted as provided by Sections 36.017(b)-(i),
 2-42 Water Code, and the Election Code. The provision of Section
 2-43 36.017(d), Water Code, relating to the election of permanent
 2-44 directors does not apply to a confirmation election under this
 2-45 section.

2-46 Sec. 8823.024. INITIAL DIRECTORS. (a) If creation of the
 2-47 district is confirmed at an election held under Section 8823.023,
 2-48 the temporary directors of the district become the initial
 2-49 directors of the district and serve on the board of directors until
 2-50 permanent directors are elected under Section 8823.025.

2-51 (b) The initial directors shall draw lots to determine which
 2-52 two directors serve until the first regularly scheduled election of
 2-53 directors under Section 8823.025 and which three directors serve
 2-54 until the second regularly scheduled election of directors under
 2-55 Section 8823.053.

2-56 Sec. 8823.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
 2-57 the uniform election date prescribed by Section 41.001, Election
 2-58 Code, in November of the first even-numbered year after the year in
 2-59 which the creation of the district is confirmed at an election held
 2-60 under Section 8823.023, an election shall be held in the district
 2-61 for the election of two directors to replace the initial directors
 2-62 who, under Section 8823.024(b), serve until that election.

2-63 Sec. 8823.026. EXPIRATION OF SUBCHAPTER. This subchapter
 2-64 expires September 1, 2021.

2-65 SUBCHAPTER B. BOARD OF DIRECTORS

2-66 Sec. 8823.051. DIRECTORS; TERMS. (a) The district is
 2-67 governed by a board of five directors.

2-68 (b) Directors serve staggered four-year terms.

2-69 Sec. 8823.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS

3-1 PRECINCTS. (a) The directors of the district shall be elected
3-2 according to the commissioners precinct method as provided by this
3-3 section.

3-4 (b) One director shall be elected by the voters of the
3-5 entire district, and one director shall be elected from each county
3-6 commissioners precinct by the voters of that precinct.

3-7 (c) Except as provided by Subsection (e), to be eligible to
3-8 be a candidate for or to serve as director at large, a person must be
3-9 at least 18 years of age and a resident of the district. To be a
3-10 candidate for or to serve as director from a county commissioners
3-11 precinct, a person must be at least 18 years of age and a resident of
3-12 that precinct.

3-13 (d) A person shall indicate on the application for a place
3-14 on the ballot:

3-15 (1) the precinct that the person seeks to represent;
3-16 or

3-17 (2) that the person seeks to represent the district at
3-18 large.

3-19 (e) A person's eligibility to serve a term as director is
3-20 not affected when the county commissioners precincts are redrawn
3-21 after each federal decennial census to reflect population changes
3-22 by a boundary change that:

3-23 (1) removes the person's residence from the precinct
3-24 the person serves; and

3-25 (2) takes effect during the term for which the person
3-26 was elected or appointed.

3-27 Sec. 8823.053. ELECTION DATE. After the creation of the
3-28 district is confirmed, the district shall hold an election to elect
3-29 the appropriate number of directors on the uniform election date
3-30 prescribed by Section 41.001, Election Code, in November of each
3-31 even-numbered year.

3-32 Sec. 8823.054. VACANCIES. A vacancy on the board shall be
3-33 filled by appointment of the board until the next regularly
3-34 scheduled directors' election. The person appointed to fill the
3-35 vacancy shall serve only for the remainder of the unexpired term.

3-36 SUBCHAPTER C. POWERS AND DUTIES

3-37 Sec. 8823.101. PROHIBITION ON DISTRICT USE OF EMINENT
3-38 DOMAIN. The district may not exercise the power of eminent domain.

3-39 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-40 Sec. 8823.151. LIMITATION ON TAXES. The district may not
3-41 impose ad valorem taxes at a rate that exceeds one cent on each \$100
3-42 of assessed valuation of taxable property in the district.

3-43 SECTION 2. (a) The legal notice of the intention to
3-44 introduce this Act, setting forth the general substance of this
3-45 Act, has been published as provided by law, and the notice and a
3-46 copy of this Act have been furnished to all persons, agencies,
3-47 officials, or entities to which they are required to be furnished
3-48 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-49 Government Code.

3-50 (b) The governor, one of the required recipients, has
3-51 submitted the notice and Act to the Texas Commission on
3-52 Environmental Quality.

3-53 (c) The Texas Commission on Environmental Quality has filed
3-54 its recommendations relating to this Act with the governor, the
3-55 lieutenant governor, and the speaker of the house of
3-56 representatives within the required time.

3-57 (d) All requirements of the constitution and laws of this
3-58 state and the rules and procedures of the legislature with respect
3-59 to the notice, introduction, and passage of this Act are fulfilled
3-60 and accomplished.

3-61 SECTION 3. This Act takes effect September 1, 2015.

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