

By: Averitt

S.B. No. 1985

A BILL TO BE ENTITLED

AN ACT

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relating to the creation of the McLennan County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

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 8821 to read as follows:

CHAPTER 8821. MCLENNAN COUNTY GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8821.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the McLennan County Groundwater

Conservation District.

Sec. 8821.002. NATURE OF DISTRICT. The district is a groundwater conservation district in McLennan County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8821.003. CONFIRMATION ELECTION REQUIRED. (a) If the creation of the district is not confirmed at a confirmation election held before September 1, 2012:

- (1) the district is dissolved on September 1, 2012, except that the district shall:

- 1 (A) pay any debts incurred;
- 2 (B) transfer to McLennan County any assets that
- 3 remain after the payment of debts; and
- 4 (C) maintain the organization of the district
- 5 until all debts are paid and remaining assets are transferred; and
- 6 (2) this chapter expires on September 1, 2012.

7 (b) This section expires on September 1, 2012.
8 Sec. 8821.004. INITIAL DISTRICT TERRITORY. The initial
9 boundaries of the district are coextensive with the boundaries of
10 McLennan County, Texas.

11 Sec. 8821.005. CONSTRUCTION OF CHAPTER. This chapter shall
12 be liberally construed to achieve the legislative intent and
13 purposes of Chapter 36, Water Code. A power granted by Chapter 36,
14 Water Code, or this chapter shall be broadly interpreted to achieve
15 that intent and those purposes.

16 Sec. 8821.006. APPLICABILITY OF OTHER GROUNDWATER
17 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
18 chapter, Chapter 36, Water Code, applies to the district.

19 [Sections 8821.007-8821.020 reserved for expansion]

20 SUBCHAPTER A-1. TEMPORARY PROVISIONS

21 Sec. 8821.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
22 Not later than the 45th day after the effective date of this
23 chapter, five temporary directors shall be appointed as follows:

- 24 (1) the McLennan County Commissioners Court shall
- 25 appoint one temporary director from each of the four commissioners
- 26 precincts in the county to represent the precincts in which the
- 27 temporary directors reside; and

1 (2) the county judge of McLennan County shall appoint
2 one temporary director who resides in the district to represent the
3 district at large.

4 (b) If there is a vacancy on the temporary board, the
5 authority who appointed the temporary director whose position is
6 vacant shall appoint a person to fill the vacancy.

7 (c) Temporary directors serve until the earlier of:

8 (1) the time the temporary directors become initial
9 directors as provided by Section 8821.024; or

10 (2) the date this chapter expires under Section
11 8821.003.

12 Sec. 8821.022. ORGANIZATIONAL MEETING OF TEMPORARY
13 DIRECTORS. As soon as practicable after all the temporary
14 directors have qualified under Section 36.055, Water Code, a
15 majority of the temporary directors shall convene the
16 organizational meeting of the district at a location within the
17 district agreeable to a majority of the directors. If an agreement
18 on location cannot be reached, the organizational meeting shall be
19 at the McLennan County Courthouse.

20 Sec. 8821.023. CONFIRMATION ELECTION. (a) The temporary
21 directors shall hold an election to confirm the creation of the
22 district.

23 (b) Section 41.001(a), Election Code, does not apply to a
24 confirmation election held as provided by this section.

25 (c) Except as provided by this section, a confirmation
26 election must be conducted as provided by Sections 36.017(b), (c),
27 and (e)-(i), Water Code, and the Election Code. Section 36.017(d),

1 Water Code, does not apply to the confirmation election.

2 (d) The ballot for the election must be printed in
3 accordance with the Election Code and provide for voting for or
4 against the proposition: "The creation of the McLennan County
5 Groundwater Conservation District."

6 (e) If a majority of the votes cast at the election are not
7 in favor of the creation of the district, the temporary directors
8 may call and hold a subsequent confirmation election. The
9 subsequent election may not be held before the first anniversary of
10 the date on which the previous election was held.

11 (f) The district may contract with the elections
12 administrator of McLennan County to conduct an election under this
13 section.

14 Sec. 8821.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8821.023,
16 the temporary directors become the initial directors and serve for
17 the terms provided by Subsection (b).

18 (b) The initial directors representing commissioners
19 precincts 2 and 4 serve a term expiring on December 31 following the
20 expiration of two years after the date of the confirmation
21 election, and the initial directors representing commissioners
22 precincts 1 and 3 and the at-large director serve a term expiring on
23 December 31 following the expiration of four years after the date of
24 the confirmation election.

25 Sec. 8821.025. EXPIRATION OF SUBCHAPTER. This subchapter
26 expires September 1, 2012.

27 [Sections 8821.026-8821.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8821.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five directors.

4 (b) Directors serve staggered four-year terms, with two or
5 three directors' terms expiring December 31 of each even-numbered
6 year.

7 (c) A director may not serve more than three consecutive
8 terms.

9 Sec. 8821.052. APPOINTMENT OF DIRECTORS. (a) The McLennan
10 County Commissioners Court shall appoint one director from each of
11 the four commissioners precincts and one director to represent the
12 district at large.

13 (b) Except as provided by Subsection (c), to be eligible to
14 serve as director at large, a person must be a registered voter in
15 the district. To serve as director from a county commissioners
16 precinct, a person must be a registered voter of that precinct.

17 (c) When the boundaries of the county commissioners
18 precincts are redrawn after each federal decennial census to
19 reflect population changes, a director in office on the effective
20 date of the change, or a director appointed before the effective
21 date of the change whose term of office begins on or after the
22 effective date of the change, shall serve in the precinct to which
23 appointed even though the change in boundaries places the person's
24 residence outside the precinct for which the person was appointed.

25 [Sections 8821.053-8821.100 reserved for expansion]

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 8821.101. PERMIT CONSIDERATION. Before granting or

1 denying a permit under Section 36.113, Water Code, the district
2 must consider, in addition to the criteria under Chapter 36, Water
3 Code, and the district's rules, whether the proposed use of water
4 unreasonably affects surrounding landowners.

5 Sec. 8821.102. PERMITS FOR CERTAIN ACTIVITIES; APPLICABLE
6 RULES. (a) The district may require a permit for any activity that
7 extracts groundwater.

8 (b) If a permit is required under Subsection (a), the permit
9 holder is subject to rules adopted by the district to:

10 (1) conserve, preserve, protect, and recharge the
11 groundwater or a groundwater reservoir or its subdivisions to
12 control subsidence, prevent degradation of groundwater quality,
13 and prevent waste of groundwater; and

14 (2) carry out any other power or duty under Chapter 36,
15 Water Code.

16 (c) To the extent of a conflict, this section controls over
17 Section 36.117(b), Water Code.

18 Sec. 8821.103. REGISTRATION FOR CERTAIN ACTIVITIES. The
19 district may require registration for any activity that extracts
20 groundwater in an amount that the board determines is significant.

21 Sec. 8821.104. IMPACT OF TRANSFER. (a) If the district
22 finds that a transfer of groundwater out of the district negatively
23 impacts any of the factors described by Section 36.122(f), Water
24 Code, the district may impose additional requirements or
25 limitations on the permit that are designed to minimize those
26 impacts.

27 (b) Sections 36.122(c), (e), (i), and (j), Water Code, do

1 not apply to a requirement or limitation imposed under this
2 section.

3 Sec. 8821.105. ADOPTION OF RULES AND ISSUANCE OF PERMITS.
4 Before the district adopts a management plan, the district may
5 adopt rules and issue permits.

6 Sec. 8821.106. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.
7 The district and another governmental entity, including a river
8 authority located in the district, may contract for the performance
9 by that entity of a district function.

10 Sec. 8821.107. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

12 [Sections 8821.108-8821.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8821.151. REVENUE. To pay the maintenance and
15 operating costs of the district and to pay any bonds or notes issued
16 by the district, the district may:

17 (1) assess fees for services or for water withdrawn
18 from nonexempt wells; or

19 (2) solicit and accept grants from any private or
20 public source.

21 Sec. 8821.152. FEES. The district may impose a user fee to
22 pay for the creation and operation of the district, including
23 permit hearings. The district may not impose a fee for agricultural
24 use that is more than 20 percent of the rate for municipal use.

25 [Sections 8821.153-8821.200 reserved for expansion]

26 SUBCHAPTER E. DISSOLUTION

27 Sec. 8821.201. ELECTION FOR DISSOLUTION. (a) If the

1 district has no outstanding bond or other long-term indebtedness,
2 the district may be dissolved by a favorable vote of a majority of
3 the registered voters of the district at an election held for that
4 purpose.

5 (b) The board shall hold a dissolution election if the board
6 receives a petition for dissolution signed by at least 50 percent of
7 the registered voters in the district as computed by using the list
8 of registered voters for McLennan County.

9 (c) If the district is dissolved under this section, the
10 board shall:

11 (1) notify the Texas Commission on Environmental
12 Quality and the secretary of state of the dissolution; and

13 (2) transfer title to any assets of the district to
14 McLennan County.

15 SECTION 2. (a) The legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
21 Government Code.

22 (b) The governor has submitted the notice and Act to the
23 Texas Commission on Environmental Quality.

24 (c) The Texas Commission on Environmental Quality has filed
25 its recommendations relating to this Act with the governor,
26 lieutenant governor, and speaker of the house of representatives
27 within the required time.

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

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.