

AN ACT

relating to the creation of the Colorado 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 8824 to read as follows:

CHAPTER 8824. COLORADO COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8824.001. 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 Colorado County Groundwater Conservation District.

Sec. 8824.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Colorado County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8824.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2011:

(1) the district is dissolved on September 1, 2011, except that:

1 (A) any debts incurred shall be paid;

2 (B) any assets that remain after the payment of
3 debts shall be transferred to Colorado County; and

4 (C) the organization of the district shall be
5 maintained until all debts are paid and remaining assets are
6 transferred; and

7 (2) this chapter expires on September 1, 2013.

8 Sec. 8824.004. INITIAL DISTRICT TERRITORY. The initial
9 boundaries of the district are coextensive with the boundaries of
10 Colorado County, Texas, except that the district does not include
11 any territory that is included in the boundaries of the Coastal Bend
12 Groundwater Conservation District as of the effective date of the
13 Act enacting this chapter.

14 Sec. 8824.005. APPLICABILITY OF OTHER GROUNDWATER
15 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
16 chapter, Chapter 36, Water Code, applies to the district.

17 [Sections 8824.006-8824.020 reserved for expansion]

18 SUBCHAPTER A-1. TEMPORARY PROVISIONS

19 Sec. 8824.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
20 Not later than September 11, 2007, the Colorado County
21 Commissioners Court shall appoint seven temporary directors.
22 Temporary directors must meet the qualifications provided by
23 Section 8824.052 for permanent directors.

24 (b) If there is a vacancy on the temporary board of
25 directors of the district, the remaining temporary directors shall
26 select a qualified person to fill the vacancy. If, at any time,
27 there are three or more vacancies on the temporary board, the

1 Colorado County Commissioners Court shall appoint a qualified
2 person to fill each vacancy.

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

4 (1) the time initial directors are elected as provided
5 by Section 8824.023; or

6 (2) the date this chapter expires under Section
7 8824.003.

8 Sec. 8824.022. ORGANIZATIONAL MEETING OF TEMPORARY
9 DIRECTORS. (a) As soon as practicable after all the temporary
10 directors have qualified under Section 36.055, Water Code, a
11 majority of the temporary directors shall convene the
12 organizational meeting of the district at a location within the
13 district agreeable to a majority of the directors. If an agreement
14 on location cannot be reached, the organizational meeting shall be
15 at the Colorado County Courthouse.

16 (b) At the meeting, the temporary directors shall elect a
17 presiding officer, assistant presiding officer, and secretary from
18 among the temporary directors.

19 Sec. 8824.023. CONFIRMATION AND INITIAL DIRECTORS'
20 ELECTION. (a) The temporary board of directors shall hold an
21 election to confirm the creation of the district and elect seven
22 initial directors.

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)-(i),
27 Water Code, and the Election Code.

1 (d) The ballot for the election must be printed to provide
2 for voting for or against the proposition: "The creation of the
3 Colorado County Groundwater Conservation District and the levy of
4 an ad valorem tax in the district at a rate not to exceed three cents
5 for each \$100 of assessed valuation."

6 (e) The temporary board of directors may include any other
7 proposition on the ballot that the directors determine necessary.

8 (f) If a majority of the votes cast at the election are not
9 in favor of the creation of the district, the temporary board of
10 directors may hold a subsequent confirmation election. The
11 subsequent election may not be held before the month in which the
12 first anniversary of the date on which the preceding election was
13 held occurs.

14 (g) The initial directors for positions one, three, five,
15 and seven shall serve until the first regularly scheduled election
16 of directors under Section 8824.053. The initial directors for the
17 remaining positions shall serve until the second regularly
18 scheduled election of directors under Section 8824.053.

19 Sec. 8824.024. EXPIRATION OF SUBCHAPTER. This subchapter
20 expires September 1, 2013.

21 [Sections 8824.025-8824.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8824.051. DIRECTORS; TERMS. (a) The district is
24 governed by a board of seven directors.

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

26 (c) A director may serve only two consecutive terms.

27 Sec. 8824.052. METHOD OF ELECTING DIRECTORS. (a) Except as

1 provided by Subsection (e), the directors of the district shall be
2 elected as follows:

3 (1) the directors for positions 1 through 4 must
4 reside in Colorado County Commissioners Precincts 1 through 4,
5 respectively, and are elected by the voters of the applicable
6 county commissioners precinct; and

7 (2) the directors for positions 5 through 7 must
8 reside in the cities of Columbus, Eagle Lake, and Weimar,
9 respectively, and are elected at large by the voters of the
10 district.

11 (b) To be eligible to be a candidate for or to serve as a
12 director, a person must be a registered voter.

13 (c) A person shall indicate on the application for a place
14 on the ballot the position on the board to which the person seeks to
15 be elected.

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

25 (e) If territory is added to the district, the board shall
26 change the method of electing directors as necessary to ensure that
27 all district voters are fairly represented. A change in the method

1 of electing directors adopted by the board under this subsection
2 shall be implemented at the next directors' election at which the
3 change can be implemented consistently with the Election Code and
4 federal law.

5 Sec. 8824.053. ELECTION DATE. The district shall hold an
6 election to elect the appropriate number of directors on the
7 uniform election date prescribed by Section 41.001, Election Code,
8 in November of each even-numbered year.

9 Sec. 8824.054. DIVISION OF MUNICIPALITY. The provision of
10 Section 36.059(b), Water Code, concerning the division of a
11 municipal corporation among precincts does not apply to an election
12 under this chapter.

13 Sec. 8824.055. COMPENSATION; REIMBURSEMENT. (a)
14 Notwithstanding Section 36.060, Water Code, a director is not
15 entitled to receive compensation for performing the duties of a
16 director.

17 (b) The board may authorize a director to receive
18 reimbursement for the director's reasonable expenses incurred
19 while engaging in activities on behalf of the district.

20 Sec. 8824.056. VACANCY. A vacancy in the office of director
21 shall be filled by appointment of the board. The appointed director
22 serves only for the remainder of the unexpired term to which the
23 director was appointed.

24 [Sections 8824.057-8824.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8824.101. RESTRICTIONS ON GENERAL POWERS. Sections
27 36.103 and 36.104, Water Code, do not apply to the district.

1 Sec. 8824.102. PROHIBITION ON REQUIRING METERING OF EXEMPT
2 WELLS. The district may not require meters on wells exempt from
3 permitting or regulation under Section 36.117, Water Code.

4 Sec. 8824.103. RIGHT TO ENTER LAND. (a) A district
5 director or employee or a person who contracts with the district may
6 enter private property on behalf of the district without obtaining
7 the permission of the property owner only if:

8 (1) the purpose of the entry is to conduct an
9 investigation of a violation of or enforce a district rule; and

10 (2) the property owner is provided reasonable notice
11 before the property is entered.

12 (b) A district director or employee or a person who
13 contracts with the district must obtain the permission of a
14 property owner before entering private property on behalf of the
15 district for any purpose other than the purposes described by
16 Subsection (a)(1).

17 Sec. 8824.104. WELL SPACING RULES; EXEMPTIONS. (a) Except
18 as provided by Subsection (b), the district shall exempt from the
19 well spacing requirements adopted by the district any well that is
20 completed on or before the effective date of those requirements.

21 (b) The district may provide by rule that a well may lose its
22 exemption under this section if the well is modified in a manner
23 that substantially increases the capacity of the well after the
24 effective date of the well spacing requirements adopted by the
25 district.

26 (c) Except as provided by this section, the district may
27 require any well or class of wells exempt from permitting under

1 Chapter 36, Water Code, to comply with the well spacing
2 requirements adopted by the district. The district shall apply
3 well spacing requirements uniformly to any well or class of wells
4 based on the size or capacity of the well and without regard to the
5 type of use of the groundwater produced by the well.

6 Sec. 8824.105. REGISTRATION AND REPORTING REQUIREMENTS FOR
7 CERTAIN EXEMPT WELLS. The district may adopt rules that require the
8 owner or operator of a well or class of wells exempt from permitting
9 under Section 36.117, Water Code, to register the well with the
10 district and, notwithstanding Section 8824.102, if the well is not
11 exempt under Section 36.117(b)(1), Water Code, to report
12 groundwater withdrawals from the well using reasonable and
13 appropriate reporting methods and frequency.

14 Sec. 8824.106. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

16 [Sections 8824.107-8824.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8824.151. REVENUE. (a) To pay the maintenance and
19 operating costs of the district and to pay any bonds or notes issued
20 by the district, the district may:

21 (1) impose ad valorem taxes at a rate not to exceed
22 three cents on each \$100 of assessed valuation of taxable property
23 in the district; or

24 (2) assess reasonable fees for:

25 (A) services provided;

26 (B) water withdrawn from each well that is not
27 exempt from district permitting or regulation; or

1 (C) groundwater exported from the district.

2 (b) In determining a tax rate under Subsection (a)(1), the
3 board shall take into consideration the income of the district from
4 sources other than taxation.

5 Sec. 8824.152. GRANTS, GIFTS, AND DONATIONS. The district
6 may solicit and accept grants, gifts, and donations from any public
7 or private source.

8 [Sections 8824.153-8824.200 reserved for expansion]

9 SUBCHAPTER E. DISSOLUTION

10 Sec. 8824.201. SUBCHAPTER CUMULATIVE. The provisions of
11 this subchapter are cumulative of the provisions of Subchapter I,
12 Chapter 36, Water Code.

13 Sec. 8824.202. DISSOLUTION BY ELECTION. (a) After January
14 1, 2016, the board shall order an election on the question of
15 dissolving the district if the board receives a petition requesting
16 that an election be held for that purpose that is signed by at least
17 15 percent of the district's registered voters.

18 (b) Not later than the 30th day after the date the board
19 receives the petition, the directors shall:

20 (1) validate the signatures on the petition; and

21 (2) if the signatures are validated, order an election
22 on the next uniform election date under Section 41.001, Election
23 Code.

24 (c) The order calling the election must state the nature of
25 the election, including the proposition that is to appear on the
26 ballot.

27 Sec. 8824.203. NOTICE OF ELECTION. Notice of an election

1 under this subchapter must be provided by posting a copy of the
2 order calling the election in at least one conspicuous place for at
3 least 10 days before the day of the election:

- 4 (1) at the Colorado County Courthouse;
5 (2) in each Colorado County commissioners precinct;
6 and
7 (3) in the cities of Columbus, Eagle Lake, and Weimar.

8 Sec. 8824.204. BALLOT. The ballot for an election under
9 this subchapter must be printed to permit voting for or against the
10 proposition: "The dissolution of the Colorado County Groundwater
11 Conservation District."

12 Sec. 8824.205. ELECTION RESULTS; DISPOSITION OF ASSETS. If
13 a majority of the votes in an election under this subchapter favor
14 dissolution:

- 15 (1) the board shall find that the district is
16 dissolved; and
17 (2) Section 36.310, Water Code, applies for the
18 purpose of disposition of the district's assets.

19 SECTION 2. Chapter 303, Acts of the 77th Legislature,
20 Regular Session, 2001, is repealed.

21 SECTION 3. (a) The legal notice of the intention to
22 introduce this Act, setting forth the general substance of this
23 Act, has been published as provided by law, and the notice and a
24 copy of this Act have been furnished to all persons, agencies,
25 officials, or entities to which they are required to be furnished
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
27 Government Code.

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

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

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

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 4032 was passed by the House on May 11, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4032 on May 26, 2007, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 4032 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6 PM O'CLOCK

JUN 15 2007

Roger Williams
Secretary of State