

Chapter 671

H.B. No. 4207

1 AN ACT

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

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

7 SECTION 1. Subtitle H, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 8823 to read as follows:

9 CHAPTER 8823. ARANSAS COUNTY GROUNDWATER

10 CONSERVATION DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8823.001. DEFINITIONS. In this chapter:

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

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

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

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

22 Sec. 8823.003. CONFIRMATION ELECTION REQUIRED. If the  
23 creation of the district is not confirmed at a confirmation  
24 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

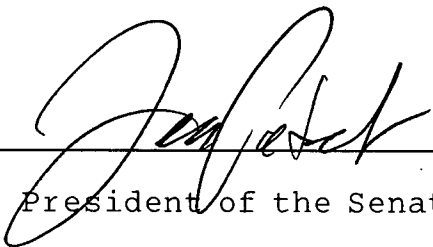
1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

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.

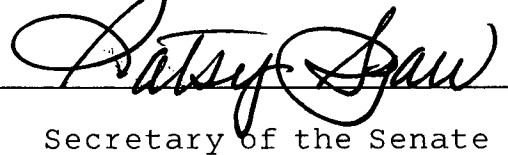
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 4207 was passed by the House on May 15, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting.


  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 4207 was passed by the Senate on May 26, 2015, by the following vote: Yeas 29, Nays 2.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:09 pm O'CLOCK  
JUN 17 2015  
  
\_\_\_\_\_  
Secretary of State



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 19, 2015**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Administration

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4207** by Morrison (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.), **As Engrossed**

<p><b>No fiscal implication to the State is anticipated.</b></p>
--

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** UP, KK, SZ, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 5, 2015**

**TO:** Honorable Jim Keffer, Chair, House Committee on Natural Resources

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4207** by Morrison (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.), **As Introduced**

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**Source Agencies:**

**LBB Staff:** UP, SZ, EK

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**May 5, 2015**

**TO:** Honorable Jim Keffer, Chair, House Committee on Natural Resources

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4207** by Morrison (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.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

House Bill 4207, as authored by Representative Geanie Morrison, would create, subject to a confirmation election, the Aransas County Groundwater Conservation District (District) in Aransas County with the powers and duties of Water Code, Chapter 36 related to the general law for groundwater conservation districts (GCDs). The boundaries of the District are coextensive with the boundaries of Aransas County. The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution. Creation of the District is subject to a confirmation election.

**Population** - The Aransas GCD will be comprised of Aransas County. In the 2010 Census the total population of Aransas County is estimated to be 23,158.

The Aransas County population projections approved for the 2016 Region N Water Plan projects the population to be 24,463 in 2020, 24,991 in 2030 and 24,937 in 2040.

**Location** - The proposed district would be composed of all territory within Aransas County upon a successful confirmation election within the county.

**Comments on Powers/Duties Different from Similar Types of Districts** - Unlike general law GCDs, the Commissioners Court of Aransas County shall, within 10 days of September 1, 2015, appoint five temporary directors with one from each of the four commission precincts and one at-large who resides in the District. The temporary directors are required to have an organizational meeting as soon as practicable after all have qualified to elect officers. Before January 1, 2016, the temporary directors are required to order a District confirmation election and hold the election on a uniform election date in May 2016. If creation of the District is confirmed at the election, the temporary directors become the initial directors and will draw lots for two- and four-year terms. On the November uniform election date of the first even-numbered year after the confirmation election, and every two years afterward, a directors' election will be held using the commissioners

precinct method with one elected from each of the four precincts and one from the county elected at-large. The directors will serve staggered four-year terms. Under the Water Code, general law GCD directors are elected by the single-precinct method.

Unlike general law GCDs, the District may not exercise the power of eminent domain or impose an ad valorem tax that exceeds one cent on each \$100 of assessed valuation. Under the Water Code, general law GCDs may exercise the power of eminent domain and may impose a voter-approved ad valorem tax that does not exceed fifty cents on each \$100 of assessed valuation to pay for operation and maintenance expenses.

Overlapping Services - The boundaries of the District are coextensive with the boundaries of Aransas County. GCD functions do not conflict with services provided by other types of water districts or utilities.

TCEQ's Supervision - As with general law GCDs, the TCEQ will have general supervisory authority, including bond review authority and authority as it is related to the District's development and implementation of a management plan; the District would not have to comply with TCEQ financial auditing requirements.

Water Use - HB 4207 specifies that "the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution".

Within Aransas County, 12 percent of the total water use was groundwater (Gulf Coast Aquifer) in 2012. Ninety-three percent of all the groundwater pumping was for municipal use.

**Source Agencies:** 582 Commission on Environmental Quality, 580 Water Development Board

**LBB Staff:** UP, SZ

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 14, 2015

The Honorable Joe Straus  
Texas House of Representatives  
Capitol Station  
PO Box 2910  
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 4207, as Filed by Representative Geanie Morrison-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.

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Kellye Rila".

Kellye Rila, Director  
Water Availability Division

cc: The Honorable Jim Keffer, Chairman, House Natural Resources Committee  
Representative Geanie Morrison, Texas House of Representatives

Enclosure

**HB 4207, as Introduced by Representative Geanie Morrison  
Texas Commission on Environmental Quality's Comments**

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**Comments on Powers/Duties Different from Similar Types of Districts** – Unlike general law GCDs, the Commissioners Court of Aransas County shall, within 10 days of September 1, 2015, appoint five temporary directors with one from each of the four commission precincts and one at-large who resides in the District. The temporary directors are required to have an organizational meeting as soon as practicable after all have qualified to elect officers. Before January 1, 2016, the temporary directors are required to order a District confirmation election and hold the election on a uniform election date in May 2016. If creation of the District is confirmed at the election, the temporary directors become the initial directors and will draw lots for two- and four-year terms. On the November uniform election date of the first even-numbered year after the confirmation election, and every two years afterward, a directors' election will be held using the commissioners precinct method with one elected from each of the four precincts and one from the county elected at-large. The directors will serve staggered four-year terms. Under the Water Code, general law GCD directors are elected by the single-precinct method.

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**Overlapping Services** — The boundaries of the District are coextensive with the boundaries of Aransas County. GCD functions do not conflict with services provided by other types of water districts or utilities.

**TCEQ's Supervision** — As with general law GCDs, the TCEQ will have general supervisory authority, including bond review authority and authority as it is related to the District's development and implementation of a management plan; the District would not have to comply with TCEQ financial auditing requirements.

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

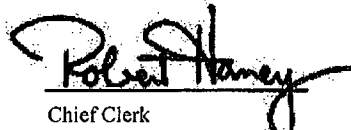
HB 4207  
Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/28/2015

Date transmitted to  
Governor's Office


  
Chief Clerk  
House of Representatives

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

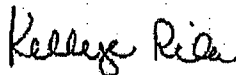
May 11, 2015

Date transmitted to  
Texas Commission on Environmental Quality

  
Governor

TO: The Honorable Speaker of the House  
The Honorable President of the Senate  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality





**PUBLISHER'S AFFIDAVIT**

STATE OF TEXAS  
COUNTY OF ARANSAS

RECEIVED  
MAR 26 2015  
COUNTY AUDITOR

BEFORE ME, the undersigned authority, on this day personally appeared Mike Probst, known to me, who being duly sworn on oath deposes and says he is the Publisher of *The Rockport Pilot*, a newspaper published at Rockport, County of Aransas, Texas, and that the attached is a true and correct copy of advertisement which was published in said newspaper in 1 issues thereof on the following dates:

**NOTICE**  
This is to give notice of intent to introduce in the 84th Legislature, Regular Session, a bill to be entitled an Act relating to the duties of and the application of the professional prosecutors law to the county attorney in Aransas County and repealing the office of the district attorney for the 36th Judicial District.

18th Day of March 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015



Publisher, Mike Probst

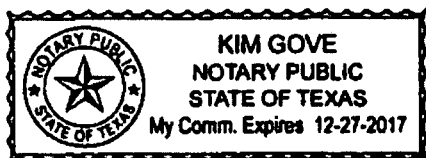
Subscribed and sworn to before me this the 23rd day of March, 2015.

Kim Gove

Notary Public, Aransas County, TX

Kim Gove

Printed Name



My Commission expires: 12/27/17

Printer's Fee: \$ 18.90

P.O.# (if applicable) \_\_\_\_\_

**PUBLISHER'S AFFIDAVIT**

RECEIVED

MAR 26 2015

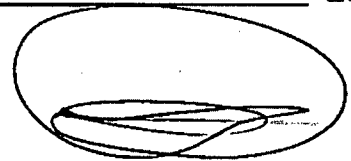
COUNTY AUDITOR

STATE OF TEXAS  
COUNTY OF ARANSAS

BEFORE ME, the undersigned authority, on this day personally appeared Mike Probst, known to me, who being duly sworn on oath deposes and says he is the Publisher of *The Rockport Pilot*, a newspaper published at Rockport, County of Aransas, Texas, and that the attached is a true and correct copy of advertisement which was published in said newspaper in 1 issues thereof on the following dates:

18th Day of March 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015  
\_\_\_\_ Day of \_\_\_\_\_ 2015

**NOTICE**  
This is to give notice of intent to introduce in the 84th Legislature, Regular Session, a bill to be entitled an Act relating to the creation of the Aransas County Groundwater Conservation District providing authority to impose a tax and issue bonds.

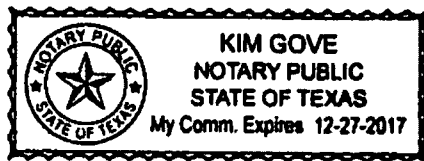


Publisher, Mike Probst

Subscribed and sworn to before me this the 23rd day of March, 2015.

Kim Gove  
Notary Public, Aransas County, TX

Kim Gove  
Printed Name



My Commission expires: 12/27/17

Printer's Fee: \$ 14.40  
P.O.# (if applicable) \_\_\_\_\_