

By: Kolkhorst

S.B. No. 1360

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.

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) the district is dissolved on September 1, 2019,

except that:

(A) any debts incurred shall be paid;

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

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

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

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

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

SUBCHAPTER A-1. TEMPORARY PROVISIONS

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

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

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

(b) If there is a vacancy on the temporary board of directors of the district, the remaining temporary directors shall select a qualified person to fill the vacancy. If, at any time,

1 there are fewer than three qualified temporary directors, the
2 Aransas County Commissioners Court shall appoint the necessary
3 number of persons to fill all vacancies on the board.

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

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

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

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

12 Sec. 8823.022. 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 Aransas County Courthouse. At the meeting, the temporary
20 directors shall elect a chair, vice chair, and secretary from among
21 the temporary directors.

22 Sec. 8823.023. CONFIRMATION ELECTION. (a) Not later than
23 January 1, 2016, the temporary board shall order an election to be
24 held not later than June 1, 2016, to confirm the creation of the
25 district.

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

1 (c) 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 five cents for each \$100 of assessed valuation."

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

8 (e) 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 (f) If the creation of the district is not confirmed at a
15 confirmation election held under this section, the board may hold
16 another confirmation election not sooner than the first anniversary
17 of the most recent confirmation election.

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

23 (b) The initial directors shall draw lots to determine which
24 two directors serve until the first regularly scheduled election of
25 directors under Section 8823.025 and which three directors serve
26 until the second regularly scheduled election of directors under
27 Section 8823.053.

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

8 Sec. 8823.026. EXPIRATION OF SUBCHAPTER. This subchapter
9 expires September 1, 2021.

10 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

14 Sec. 8823.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
15 PRECINCTS. (a) The directors of the district shall be elected
16 according to the commissioners precinct method as provided by this
17 section.

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

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

27 (d) A person shall indicate on the application for a place

1 on the ballot:

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

3 or

4 (2) that the person seeks to represent the district at
5 large.

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

10 (1) removes the person's residence from the precinct
11 the person serves; and

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

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

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

23 SUBCHAPTER C. POWERS AND DUTIES

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

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8823.151. LIMITATION ON TAXES. The district may not

1 impose ad valorem taxes at a rate that exceeds five cents on each
2 \$100 of assessed valuation of taxable property in the district.

3 SECTION 2. (a) The legal notice of the intention to
4 introduce this Act, setting forth the general substance of this
5 Act, has been published as provided by law, and the notice and a
6 copy of this Act have been furnished to all persons, agencies,
7 officials, or entities to which they are required to be furnished
8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9 Government Code.

10 (b) The governor, one of the required recipients, has
11 submitted the notice and Act to the Texas Commission on
12 Environmental Quality.

13 (c) The Texas Commission on Environmental Quality has filed
14 its recommendations relating to this Act with the governor, the
15 lieutenant governor, and the speaker of the house of
16 representatives within the required time.

17 (d) All requirements of the constitution and laws of this
18 state and the rules and procedures of the legislature with respect
19 to the notice, introduction, and passage of this Act are fulfilled
20 and accomplished.

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