

1 AN ACT

2 relating to the creation of the Lavaca County Groundwater
3 Conservation District; providing authority to impose a tax.

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

5 SECTION 1. Subtitle H, Title 6, Special District Local Laws
6 Code, is amended by adding Chapter 8822 to read as follows:

7 CHAPTER 8822. LAVACA COUNTY GROUNDWATER

8 CONSERVATION DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8822.001. DEFINITIONS. In this chapter:

11 (1) "Board" means the board of directors of the
12 district.

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

14 (3) "District" means the Lavaca County Groundwater
15 Conservation District.

16 Sec. 8822.002. NATURE OF DISTRICT. The district is a
17 groundwater conservation district in Lavaca County created under
18 and essential to accomplish the purposes of Section 59, Article
19 XVI, Texas Constitution.

20 Sec. 8822.003. CONFIRMATION ELECTION REQUIRED. If the
21 creation of the district is not confirmed at a confirmation
22 election held on or before September 1, 2013:

23 (1) the district is dissolved on September 1, 2013,
24 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 Lavaca 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 September 1, 2013.

8 Sec. 8822.004. INITIAL DISTRICT TERRITORY. The initial
9 boundaries of the district are coextensive with the boundaries of
10 Lavaca County, Texas.

11 Sec. 8822.005. APPLICABILITY OF OTHER GROUNDWATER
12 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
13 chapter, Chapter 36, Water Code, applies to the district.

14 Sec. 8822.006. DISTRICT PURPOSE. The district is created
15 to:

16 (1) provide for the conservation, preservation,
17 protection, recharging, and prevention of waste of groundwater, and
18 of groundwater reservoirs or their subdivisions, in the Lavaca
19 County area; and

20 (2) control subsidence caused by the withdrawal of
21 water from the groundwater reservoirs or their subdivisions in the
22 Lavaca County area.

23 [Sections 8822.007-8822.020 reserved for expansion]

24 SUBCHAPTER A-1. TEMPORARY PROVISIONS

25 Sec. 8822.021. TEMPORARY DIRECTORS. The following
26 individuals shall serve as temporary directors for the district:

27 (1) A. J. Cerny, Jr.;

- 1 (2) August Etlinger;
- 2 (3) J. C. Hermes;
- 3 (4) David L. Myers; and
- 4 (5) Larry A. Svetlik.

5 Sec. 8822.022. ORGANIZATIONAL MEETING OF TEMPORARY
6 DIRECTORS. As soon as practicable after all the temporary
7 directors have qualified under Section 36.055, Water Code, a
8 majority of the temporary directors shall convene the
9 organizational meeting of the district at a location within the
10 district agreeable to a majority of the directors. If an agreement
11 on location cannot be reached, the organizational meeting shall be
12 at the Lavaca County Courthouse.

13 Sec. 8822.023. CONFIRMATION AND INITIAL DIRECTORS'
14 ELECTION. (a) The temporary directors shall hold an election on
15 the uniform election date in May 2008 to confirm the creation of the
16 district and to elect the initial directors of the district.

17 (b) The temporary directors shall have placed on the ballot
18 the name of any candidate who files for an initial director's
19 position and blank spaces to write in the names of other persons. A
20 temporary director who is eligible to be a candidate under Section
21 8822.052 may file for an initial director's position.

22 (c) Except as provided by this chapter, an election under
23 this section must be conducted as provided by Sections
24 36.017(b)-(g) and (i) and 36.059, Water Code, and the Election
25 Code. Sections 36.017(a) and (h), Water Code, do not apply to an
26 election under this section.

27 (d) If a majority of the votes cast at the election are not

1 in favor of creation of the district, the elected directors shall
2 take office as temporary directors and may hold a subsequent
3 confirmation election on the uniform election date in May 2010 or
4 2012.

5 Sec. 8822.024. INITIAL DIRECTORS. (a) If creation of the
6 district is confirmed at an election held under Section 8822.023,
7 the elected directors shall take office as initial directors of the
8 district and serve on the board of directors until permanent
9 directors are elected under Section 8822.025 or 8822.053.

10 (b) The initial director representing each of the four
11 commissioners precincts shall draw lots to determine which two
12 directors shall serve a term expiring June 1 following the first
13 regularly scheduled election of directors under Section 8822.025,
14 and which two directors shall serve a term expiring June 1 following
15 the second regularly scheduled election of directors. The at-large
16 director shall serve a term expiring June 1 following the second
17 regularly scheduled election of directors.

18 Sec. 8822.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
19 the uniform election date prescribed by Section 41.001, Election
20 Code, in May of the first even-numbered year after the year in which
21 the district is authorized to be created at a confirmation
22 election, an election shall be held in the district for the election
23 of two directors to replace the initial directors who, under
24 Section 8822.024(b), serve a term expiring June 1 following that
25 election.

26 Sec. 8822.026. EXPIRATION OF SUBCHAPTER. This subchapter
27 expires September 1, 2013.

1 [Sections 8822.027-8822.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8822.051. DIRECTORS; TERMS. (a) The district is
4 governed by a board of five directors.

5 (b) Directors serve staggered four-year terms, with two or
6 three directors' terms expiring June 1 of each even-numbered year.

7 (c) A director may serve consecutive terms.

8 Sec. 8822.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
9 PRECINCTS. (a) Except as provided by Subsection (f), the directors
10 of the district shall be elected according to the commissioners
11 precinct method as provided by this section.

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

15 (c) Except as provided by Subsection (e), to be eligible to
16 be a candidate for or to serve as director at large, a person must be
17 a registered voter in the district. To be a candidate for or to
18 serve as director from a county commissioners precinct, a person
19 must be a registered voter of that precinct.

20 (d) A person shall indicate on the application for a place
21 on the ballot:

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

23 or

24 (2) that the person seeks to represent the district at
25 large.

26 (e) When the boundaries of the county commissioners
27 precincts are redrawn after each federal decennial census to

1 reflect population changes, a director in office on the effective
2 date of the change, or a director elected or appointed before the
3 effective date of the change whose term of office begins on or after
4 the effective date of the change, shall serve in the precinct to
5 which elected or appointed even though the change in boundaries
6 places the person's residence outside the precinct for which the
7 person was elected or appointed.

8 (f) If territory is added to the district, the board shall
9 change the method of electing directors as necessary to ensure that
10 all district voters are fairly represented. A change in the method
11 of electing directors adopted by the board under this subsection
12 shall be implemented at the next directors' election at which the
13 change can be implemented consistently with the Election Code and
14 federal law.

15 Sec. 8822.053. ELECTION DATE. The district shall hold an
16 election to elect the appropriate number of directors on the
17 uniform election date prescribed by Section 41.001, Election Code,
18 in May of each even-numbered year.

19 [Sections 8822.054-8822.100 reserved for expansion]

20 SUBCHAPTER C. POWERS AND DUTIES

21 Sec. 8822.101. GENERAL POWERS. Except as otherwise
22 provided by this chapter, the district has all of the rights,
23 powers, privileges, functions, and duties provided by the general
24 law of this state applicable to groundwater conservation districts
25 created under Section 59, Article XVI, Texas Constitution.

26 Sec. 8822.102. PROHIBITION ON REQUIRING METERING OF EXEMPT
27 WELLS. The district may not require meters on wells exempt from

1 permitting or regulation under Section 36.117, Water Code.

2 Sec. 8822.103. NO EMINENT DOMAIN POWER. The district may
3 not exercise the power of eminent domain.

4 Sec. 8822.104. REGISTRATION AND REPORTING REQUIREMENTS FOR
5 CERTAIN EXEMPT WELLS. The district may adopt rules that require the
6 owner or operator of a well or class of wells exempt from permitting
7 under Section 36.117, Water Code, to register the well with the
8 district and, notwithstanding Section 8822.102, if the well is not
9 exempt under Section 36.117(b)(1), Water Code, to report
10 groundwater withdrawals from the well using reasonable and
11 appropriate reporting methods and frequency.

12 Sec. 8822.105. WELL SPACING RULES; EXEMPTIONS. (a) Except
13 as provided by Subsection (b), the district shall exempt from the
14 well spacing requirements adopted by the district any well that is
15 completed on or before the effective date of those requirements.

16 (b) The district may provide by rule that a well may lose its
17 exemption under this section if the well is modified in a manner
18 that substantially increases the capacity of the well after the
19 effective date of the well spacing requirements adopted by the
20 district.

21 (c) Except as provided by this section, the district may
22 require any well or class of wells exempt from permitting under
23 Chapter 36, Water Code, to comply with the well spacing
24 requirements adopted by the district. The district shall apply
25 well spacing requirements uniformly to any well or class of wells
26 based on the size or capacity of the well and without regard to the
27 type of use of the groundwater produced by the well.

1 [Sections 8822.106-8822.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8822.151. LIMITATION ON TAXES. The district may not
4 impose ad valorem taxes at a rate that exceeds five cents on each
5 \$100 of assessed valuation of taxable property in the district.

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

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

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

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 4029 was passed by the House on May 9, 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. 4029 on May 25, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4029 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor