

1-1 By: Kolkhorst S.B. No. 1360
1-2 (In the Senate - Filed March 11, 2015; March 18, 2015, read
1-3 first time and referred to Committee on Agriculture, Water, and
1-4 Rural Affairs; April 22, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Perry</u>	X		
1-10	<u>Zaffirini</u>	X		
1-11	<u>Creighton</u>	X		
1-12	<u>Hall</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Rodríguez</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1360 By: Hall

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation of the Aransas County Groundwater
1-20 Conservation District; providing authority to issue bonds and
1-21 impose a tax; providing general law authority to impose fees and
1-22 surcharges.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle H, Title 6, Special District Local Laws
1-25 Code, is amended by adding Chapter 8823 to read as follows:

1-26 CHAPTER 8823. ARANSAS COUNTY GROUNDWATER

1-27 CONSERVATION DISTRICT

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 8823.001. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the board of directors of the
1-31 district.

1-32 (2) "Director" means a member of the board.

1-33 (3) "District" means the Aransas County Groundwater
1-34 Conservation District.

1-35 Sec. 8823.002. NATURE OF DISTRICT. The district is a
1-36 groundwater conservation district in Aransas County created under
1-37 and essential to accomplish the purposes of Section 59, Article
1-38 XVI, Texas Constitution.

1-39 Sec. 8823.003. CONFIRMATION ELECTION REQUIRED. If the
1-40 creation of the district is not confirmed at a confirmation
1-41 election held before September 1, 2019:

1-42 (1) the district is dissolved on September 1, 2019,
1-43 except that:

1-44 (A) any debts incurred shall be paid;

1-45 (B) any assets that remain after the payment of
1-46 debts shall be transferred to Aransas County; and

1-47 (C) the organization of the district shall be
1-48 maintained until all debts are paid and remaining assets are
1-49 transferred; and

1-50 (2) this chapter expires on September 1, 2021.

1-51 Sec. 8823.004. INITIAL DISTRICT TERRITORY. The initial
1-52 boundaries of the district are coextensive with the boundaries of
1-53 Aransas County, Texas.

1-54 Sec. 8823.005. APPLICABILITY OF OTHER GROUNDWATER
1-55 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
1-56 chapter, Chapter 36, Water Code, applies to the district.

1-57 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-58 Sec. 8823.021. APPOINTMENT OF TEMPORARY DIRECTORS.

1-59 (a) Not later than the 10th day after September 1, 2015, the
1-60 Aransas County Commissioners Court shall appoint five temporary

2-1 directors as follows:

2-2 (1) one temporary director shall be appointed from
 2-3 each of the four commissioner precincts in the county to represent
 2-4 the precinct in which the temporary director resides; and

2-5 (2) one temporary director who resides in the district
 2-6 shall be appointed to represent the district at large.

2-7 (b) If there is a vacancy on the temporary board of
 2-8 directors of the district, the remaining temporary directors shall
 2-9 select a qualified person to fill the vacancy. If, at any time,
 2-10 there are fewer than three qualified temporary directors, the
 2-11 Aransas County Commissioners Court shall appoint the necessary
 2-12 number of persons to fill all vacancies on the board.

2-13 (c) To be eligible to serve as a temporary director, a
 2-14 person must be a resident of Aransas County and at least 18 years of
 2-15 age.

2-16 (d) Temporary directors serve until the earlier of:

2-17 (1) the time the temporary directors become initial
 2-18 directors as provided by Section 8823.024; or

2-19 (2) the date the district is dissolved under Section
 2-20 8823.003.

2-21 Sec. 8823.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-22 DIRECTORS. As soon as practicable after all the temporary
 2-23 directors have qualified under Section 36.055, Water Code, a
 2-24 majority of the temporary directors shall convene the
 2-25 organizational meeting of the district at a location within the
 2-26 district agreeable to a majority of the directors. If an agreement
 2-27 on location cannot be reached, the organizational meeting shall be
 2-28 at the Aransas County Courthouse. At the meeting, the temporary
 2-29 directors shall elect a chair, vice chair, and secretary from among
 2-30 the temporary directors.

2-31 Sec. 8823.023. CONFIRMATION ELECTION. (a) The temporary
 2-32 board shall order an election to be held on a uniform election date
 2-33 prescribed by Section 41.001, Election Code, in May of the first
 2-34 even-numbered year after the effective date of this Act to confirm
 2-35 the creation of the district.

2-36 (b) The ballot for the election must be printed to permit
 2-37 voting for or against the following proposition: "The creation of
 2-38 the Aransas County Groundwater Conservation District and the
 2-39 imposition of an ad valorem tax in the district at a rate not to
 2-40 exceed one cent for each \$100 of assessed valuation."

2-41 (c) The temporary board may include any other proposition on
 2-42 the ballot that it considers necessary.

2-43 (d) Except as provided by this section, a confirmation
 2-44 election must be conducted as provided by Sections 36.017(b)-(i),
 2-45 Water Code, and the Election Code. The provision of Section
 2-46 36.017(d), Water Code, relating to the election of permanent
 2-47 directors does not apply to a confirmation election under this
 2-48 section.

2-49 Sec. 8823.024. INITIAL DIRECTORS. (a) If creation of the
 2-50 district is confirmed at an election held under Section 8823.023,
 2-51 the temporary directors of the district become the initial
 2-52 directors of the district and serve on the board of directors until
 2-53 permanent directors are elected under Section 8823.025.

2-54 (b) The initial directors shall draw lots to determine which
 2-55 two directors serve until the first regularly scheduled election of
 2-56 directors under Section 8823.025 and which three directors serve
 2-57 until the second regularly scheduled election of directors under
 2-58 Section 8823.053.

2-59 Sec. 8823.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
 2-60 the uniform election date prescribed by Section 41.001, Election
 2-61 Code, in November of the first even-numbered year after the year in
 2-62 which the creation of the district is confirmed at an election held
 2-63 under Section 8823.023, an election shall be held in the district
 2-64 for the election of two directors to replace the initial directors
 2-65 who, under Section 8823.024(b), serve until that election.

2-66 Sec. 8823.026. EXPIRATION OF SUBCHAPTER. This subchapter
 2-67 expires September 1, 2021.

2-68 SUBCHAPTER B. BOARD OF DIRECTORS

2-69 Sec. 8823.051. DIRECTORS; TERMS. (a) The district is

3-1 governed by a board of five directors.

3-2 (b) Directors serve staggered four-year terms.

3-3 Sec. 8823.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
3-4 PRECINCTS. (a) The directors of the district shall be elected
3-5 according to the commissioners precinct method as provided by this
3-6 section.

3-7 (b) One director shall be elected by the voters of the
3-8 entire district, and one director shall be elected from each county
3-9 commissioners precinct by the voters of that precinct.

3-10 (c) Except as provided by Subsection (e), to be eligible to
3-11 be a candidate for or to serve as director at large, a person must be
3-12 at least 18 years of age and a resident of the district. To be a
3-13 candidate for or to serve as director from a county commissioners
3-14 precinct, a person must be at least 18 years of age and a resident of
3-15 that precinct.

3-16 (d) A person shall indicate on the application for a place
3-17 on the ballot:

3-18 (1) the precinct that the person seeks to represent;

3-19 or

3-20 (2) that the person seeks to represent the district at
3-21 large.

3-22 (e) A person's eligibility to serve a term as director is
3-23 not affected when the county commissioners precincts are redrawn
3-24 after each federal decennial census to reflect population changes
3-25 by a boundary change that:

3-26 (1) removes the person's residence from the precinct
3-27 the person serves; and

3-28 (2) takes effect during the term for which the person
3-29 was elected or appointed.

3-30 Sec. 8823.053. ELECTION DATE. After the creation of the
3-31 district is confirmed, the district shall hold an election to elect
3-32 the appropriate number of directors on the uniform election date
3-33 prescribed by Section 41.001, Election Code, in November of each
3-34 even-numbered year.

3-35 Sec. 8823.054. VACANCIES. A vacancy on the board shall be
3-36 filled by appointment of the board until the next regularly
3-37 scheduled directors' election. The person appointed to fill the
3-38 vacancy shall serve only for the remainder of the unexpired term.

3-39 SUBCHAPTER C. POWERS AND DUTIES

3-40 Sec. 8823.101. PROHIBITION ON DISTRICT USE OF EMINENT
3-41 DOMAIN. The district may not exercise the power of eminent domain.

3-42 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-43 Sec. 8823.151. LIMITATION ON TAXES. The district may not
3-44 impose ad valorem taxes at a rate that exceeds one cent on each \$100
3-45 of assessed valuation of taxable property in the district.

3-46 SECTION 2. (a) The legal notice of the intention to
3-47 introduce this Act, setting forth the general substance of this
3-48 Act, has been published as provided by law, and the notice and a
3-49 copy of this Act have been furnished to all persons, agencies,
3-50 officials, or entities to which they are required to be furnished
3-51 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-52 Government Code.

3-53 (b) The governor, one of the required recipients, has
3-54 submitted the notice and Act to the Texas Commission on
3-55 Environmental Quality.

3-56 (c) The Texas Commission on Environmental Quality has filed
3-57 its recommendations relating to this Act with the governor, the
3-58 lieutenant governor, and the speaker of the house of
3-59 representatives within the required time.

3-60 (d) All requirements of the constitution and laws of this
3-61 state and the rules and procedures of the legislature with respect
3-62 to the notice, introduction, and passage of this Act are fulfilled
3-63 and accomplished.

3-64 SECTION 3. This Act takes effect September 1, 2015.

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