

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Goliad County Groundwater Conservation District.

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

SECTION 1. CREATION. (a) A groundwater conservation district, to be known as the Goliad County Groundwater Conservation District, is created in Goliad County, subject to approval at a confirmation election under Section 8 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the Goliad County Groundwater Conservation District.

(2) "District" means the Goliad County Groundwater Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Goliad County, Texas.

SECTION 4. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

SECTION 5. GENERAL POWERS. (a) Except as otherwise provided by this Act, 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. This Act prevails over any provision of general law that is in conflict with or inconsistent with this Act.

(b) Notwithstanding Subsection (a) of this section, the following provisions prevail over a conflicting or inconsistent provision of this Act:

- (1) Sections 36.1071-36.108, Water Code;
- (2) Sections 36.159-36.161, Water Code; and
- (3) Subchapter I, Chapter 36, Water Code.

**SECTION 6. DIRECTOR REQUIREMENTS.** (a) To be eligible to serve as a temporary, initial, or regular director of the district, a person must be a resident of Goliad County and must be at least 18 years of age.

(b) Each director must qualify to serve as director in the manner provided by Section 36.055, Water Code.

**SECTION 7. TEMPORARY DIRECTORS.** (a) The temporary board of directors is composed of:

- (1) Place 1--Manuel Vela;
- (2) Place 2--Joe Kozielski;
- (3) Place 3--V. K. Malone;
- (4) Place 4--John H. Drier;
- (5) Place 5--Arthur L. Bluntzer;
- (6) Place 6--Arthur Dohmann; and
- (7) Place 7--Barbara Smith.

(b) If a temporary director fails to satisfy the requirements of Section 6 of this Act or if a vacancy occurs in the office of temporary director, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than four qualified temporary directors, the Goliad County Commissioners Court shall appoint the necessary number of persons to fill all vacancies on the temporary board.

(c) The temporary board shall select from its members persons to serve as presiding officer, assistant presiding officer, and secretary.

(d) The temporary directors shall serve as temporary directors until they declare the district created after a confirmation election under Section 8 of this Act.

SECTION 8. CONFIRMATION ELECTION. (a) The temporary board shall call and hold an election to be held not later than December 31, 2001, to confirm establishment of the district.

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

(c) The ballot for the election shall be printed to provide for voting for or against propositions on:

(1) the confirmation of the Goliad County Groundwater Conservation District;

and

(2) the levy and collection of a property tax in the district.

(d) The temporary board may include on the ballot other propositions the board considers necessary.

(e) Except as provided by this section, a confirmation election shall be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code.

(f) If a majority of votes cast at the election favor the confirmation of the district, the

temporary board shall declare the district confirmed. If a majority of the votes cast at the election are against the confirmation of the district, the temporary board shall declare the district defeated. The temporary board shall file a copy of the election results with the Texas Natural Resource Conservation Commission.

(g) If establishment of the district is not confirmed, the temporary board may call and hold additional confirmation elections. A confirmation election may not be held before the first anniversary of the date of the previous confirmation election.

SECTION 9. INITIAL DIRECTORS. (a) On confirmation of establishment of the district under Section 8 of this Act, the temporary directors become the initial directors of the district.

(b) An initial director in Place 1, 3, 5, or 7 serves a term that expires on the date of the first regular meeting of the board held after the date of the first regular directors' election for Places 1, 3, 5, and 7. An initial director in Place 2, 4, or 6 serves a term that expires on the date of the first regular meeting of the board held after the date of the first regular directors' election for Places 2, 4, and 6.

(c) If an elected director does not satisfy the requirements of Section 6 of this Act at the first regular meeting of the board held after the date of the director's election, the previous director for that place continues to serve until a successor is appointed and qualifies.

SECTION 10. BOARD OF DIRECTORS. (a) The district is governed by a board of seven directors.

(b) The board shall select from its members a presiding officer, assistant presiding officer, and secretary.

(c) The members shall be elected from Goliad County at large by the voters of the district.

SECTION 11. TERM OF OFFICE. (a) Except for a temporary or initial director of the

district, a director serves a four-year term.

(b) If a vacancy occurs on the board, the remaining board members shall appoint a person to fill the vacancy.

(c) A director appointed to fill a vacancy serves for the unexpired portion of the term.

SECTION 12. ELECTION OF REGULAR DIRECTORS. Beginning in the second year following the confirmation election under Section 8 of this Act, an election shall be held on the first uniform election date in May every two years to elect the appropriate number of directors to the board. At the first election, directors for Places 2, 4, and 6 shall be elected. At the next election, directors for Places 1, 3, 5, and 7 shall be elected.

SECTION 13. LIMITATION ON TAXATION. The district may not impose an ad valorem tax at a rate that exceeds five cents on each \$100 valuation of taxable property in the district.

SECTION 14. CHANGE OF DISTRICT NAME. The board may change the district's name if the district annexes territory.

SECTION 15. REGIONAL COOPERATION. (a) In recognition of the need for uniform regional monitoring and regulation of common, scientifically recognized groundwater sources, and within designated management areas, the district shall establish rules:

(1) requiring the permitting of all water wells that are:

(A) not exempted from permitting by Chapter 36, Water Code; and

(B) capable of producing in excess of 25,000 gallons per day;

(2) providing for the prevention of waste, as defined by Section 36.001, Water Code;

(3) providing for timely capping or plugging of abandoned wells; and

(4) requiring reports to be filed with the district on all new, nonexempt water wells.

(b) Reports required under Subsection (a)(4) must include the driller's log, a description of the casing and pumping equipment installed, the capacity of the well so equipped, and the intended use of the water.

(c) To further regional continuity, the district shall:

(1) seek to participate in at least one coordination meeting annually with each adjacent district that shares an aquifer with the district;

(2) coordinate the collection of data with adjacent districts in a manner designed to achieve uniformity of data quality;

(3) coordinate efforts to monitor water quality with adjacent districts, local governments, and state agencies;

(4) investigate any groundwater pollution with the intention of locating its source and report its findings to adjacent districts and appropriate state agencies;

(5) provide to adjacent districts annually an inventory of new water wells in the district and an estimate of groundwater production within the district; and

(6) include adjacent districts on the mailing lists for district newsletters, seminars, public education events, news articles, and field days.

SECTION 16. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has

submitted the notice and Act to the Texas Natural Resource Conservation Commission.

(b) The Texas Natural Resource Conservation Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

SECTION 17. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act takes effect September 1, 2001.

(b) If the creation of the district is not confirmed at a confirmation election held under Section 8 of this Act before September 1, 2006, this Act expires on that date.

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President of the Senate

Speaker of the House

I certify that H.B. No. 3651 was passed by the House on April 27, 2001, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 3651 on May 25, 2001, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 3651 was passed by the Senate, with amendments, on May 23, 2001, by the following vote: Yeas 30, Nays 0, 1 present, not voting.

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Secretary of the Senate

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



Date

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Governor

AN ACT

relating to the date for electing directors of the Goliad County Groundwater Conservation District.

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

SECTION 1. Section 12, Chapter 1359 (H.B. 3651), Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 12. ELECTION OF REGULAR DIRECTORS. Beginning in the second year following the confirmation election under Section 8 of this Act, an election shall be held on the first uniform election date in November [~~May~~] every two years to elect the appropriate number of directors to the board. At the first election, directors for Places 2, 4, and 6 shall be elected. At the next election, directors for Places 1, 3, 5, and 7 shall be elected.

SECTION 2. (a) All governmental and proprietary actions of the Goliad County Groundwater Conservation District taken before the effective date of this Act are validated, ratified, and confirmed in all respects as if the actions had been taken as authorized by law.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

1           (2) has been held invalid by a final court judgment.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.

Rand Newkirk

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 753 was passed by the House on March 31, 2009, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

Robert Hamey  
Chief Clerk of the House

I certify that H.B. No. 753 was passed by the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Saw  
Secretary of the Senate

APPROVED: 12 MAY '09  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3<sup>PM</sup> O'CLOCK

MAY 12 2009  
[Signature]  
Secretary of State