

BILL ANALYSIS

Senate Research Center

S.B. 748
By: Ogden
Natural Resources
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DIGEST AND PURPOSE

Under current law, Chapter 36 (Groundwater Conservation Districts), Water Code, states that in order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), Texas Constitution, groundwater conservation districts may be created and that such groundwater conservation districts are the state's preferred method of groundwater management. As proposed, S.B. 748 ratifies the Brazos Valley Groundwater Conservation District (GCD), created through S.B. 1911 as a temporary district by the 76th Legislature and consisting of Brazos and Robertson counties, creates the Milam-Burleson and the Leon, Madison, and Freestone GCDs, and establishes the Central Carrizo-Wilcox Coordinating Council (CCWCC). This bill sets forth guidelines concerning: authorities and powers granted to and those not granted to each of the GCDs; requirements for each GCD's board of directors; and each GCD's required participation in the CCWCC. This bill also sets forth guidelines concerning the role of the CCWCC in coordinating the groundwater management activities of the GCDs covering Bastrop, Lee, Robertson, Brazos, Milam, Burleson, Leon, Madison, and Freestone counties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of directors of the Brazos Valley Groundwater Conservation District in ARTICLE II, SECTION 2.07 (Fees) and SECTION 2.08 (Exemptions); to the board of directors of the Milam Burleson Groundwater Conservation District in SECTION 3.06 (Fees) and SECTION 3.07 (Exemptions); to the board of directors of the Leon, Madison, and Freestone Groundwater Conservation District in SECTION 4.06 (Fees) and SECTION 4.07 (Exemptions), of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. GENERAL PROVISIONS.

SECTION 1.01. TITLE. Authorizes this Act to be referred to as the Central Carrizo-Wilcox Groundwater Management Act.

SECTION 1.02. PURPOSE. Provides findings of purpose.

ARTICLE II. BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT.

SECTION 2.01. RATIFICATION OF CREATION. Provides that the creation of the Brazos Valley Groundwater Conservation District (district) is ratified as required by Section 15(a) of Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999 (S.B. 1911, relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts), subject to approval at a confirmation election under Section 2.17 of this article.

SECTION 2.02. DEFINITION. Defines “district.”

SECTION 2.03. BOUNDARIES. Sets forth boundaries of the district.

SECTION 2.04. GENERAL POWERS. Provides that, except as otherwise provided by this article, the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59 (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), Article XVI, Texas Constitution. Provides that this article prevails over any provision of general law that is in conflict or inconsistent with the article, including any provision of Chapter 36, Water Code, or Chapter 1331 (relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts), Acts of the 76th Legislature, Regular Session, 1999 (Senate Bill No. 1911). Provides that the district does not have the authority granted by certain stated provisions of Chapter 36, Water Code.

SECTION 2.05. BONDS. Authorizes the district to issue bonds and notes under Sections 36.171-36.181, Water Code, up to \$500,000.00 of total indebtedness at any time.

SECTION 2.06. PURCHASE, SALE, TRANSPORTATION, OR DISTRIBUTION OF WATER. Prohibits the district from purchasing, selling, transporting, or distributing surface water or groundwater for any purpose.

SECTION 2.07. FEES. Authorizes the board of directors of the district by rule to impose reasonable fees on each well for which a permit is issued by the district and that is not exempt from regulation by the district. Authorizes a fee to be based on the size of column pipe used by the well or on the actual, authorized, or anticipated amount of water to be withdrawn from the well. Requires the initial fee to be based on the amount of water to be withdrawn from the well. Prohibits the initial fee from exceeding certain amounts under certain conditions and authorizes the fee to be increased at a cumulative rate not to exceed three percent per year. Authorizes the district, in addition to the initial fee authorized under this section, to assess a fee on groundwater from a well that is produced for transport outside the district. Prohibits the combined fees from exceeding the limit on a fee amount set by Section 36.205(c) (Regarding fees based on the amount of water to be withdrawn from a well), Water Code. Authorizes fees authorized by this section to be assessed annually and to be used to fund the cost of district operations and expenses of the district’s or council’s operations.

SECTION 2.08. EXEMPTIONS. (a) Authorizes a district, pursuant to Section 36.117 (Exemptions; Exception; Limitations), Water Code, as amended, to exempt wells from the requirements to obtain a drilling permit, an operating permit, or any other permit required by this chapter or the district’s rules. Prohibits a district from requiring permits for certain purposes.

(b) Requires the board to adopt rules determining the applicability of Subsection (a)(3) to facilities used primarily for feeding livestock.

(c) Prohibits the district from denying the owner of a tract of land, or his lessee, who has no well equipped to produce more than 25,000 gallons a day on the tract, either a permit to drill a well on his land or the privilege to produce groundwater from his land, subject to the rules of the district.

(d) Prohibits a district from restricting the production of any well equipped to produce 25,000 gallons or less a day.

(e) Requires water wells exempted under this section to be equipped and maintained so as to conform to the district’s rules requiring installing of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing

groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(f) Requires a district to require water wells exempted under this section to be registered with the district before drilling. Requires all exempt water wells to be equipped and maintained so as to conform to the district's rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(g) Provides that a well to supply water for a subdivision of land for which a plat approval is required by law is not exempted under this section.

SECTION 2.09. MINING EXEMPTION. (a) Provides that a groundwater well that is used by a mining operation and permitted by the Railroad Commission of Texas is exempt from permit requirements, regulations, and fees imposed by the district if the amount of water withdrawn from the well is not greater than the amount required by the mining operation for mining purposes. Provides that a mining operation that withdraws the amount of water required for mining purposes, uses that water for mining purposes, and then puts that water to another use does not forfeit the exemption granted by this section, but any production of water in addition to water withdrawn for mining purposes is subject to district permitting and regulation.

(b) Authorizes the district to require a well used for mining purposes and exempt under this section to comply with the spacing requirements of the district if any withdrawals from that well are in addition to withdrawals for mining purposes.

(c) Authorizes a mining operation to voluntarily waive the exemption granted by this section.

SECTION 2.10. MITIGATION ASSISTANCE. Authorizes the district, in addition to the authority granted under Chapter 36, Water Code, to assist in the mediation between landowners regarding the mitigation of the loss of existing groundwater supply of exempt domestic and livestock users due to the groundwater pumping of others.

SECTION 2.11 MEMBERSHIP ON COORDINATING COUNCIL. Provides that the district is a member of the Central Carrizo-Wilcox Coordinating Council created by Section 5.01(a) of this Act.

SECTION 2.12. MANAGEMENT PLAN. Requires the district to develop or contract to develop its own management plan under Section 36.1071(Management Plan), Water Code, and submit it to the Central Carrizo-Wilcox Coordinating Council to be included in the management plan developed by the Central Carrizo-Wilcox Coordinating Council under Section 5.06 of this Act.

SECTION 2.13. PERMITTING. Requires the district to issue permits for wells based on certain considerations.

SECTION 2.14. BOARD OF DIRECTORS. Provides that the district is governed by a board of eight directors. Provides that initial directors serve until permanent directors are appointed under Section 2.15 of this article and qualified as required by this section. Provides that permanent directors serve four-year staggered terms. Requires each director to qualify to serve as a director in the manner provided by Section 36.055, Water Code. Provides that a director serves until the director's successor has qualified. Authorizes a director to serve consecutive terms. Requires that, if there is a vacancy on the board, the governing body of the entity that appointed the director who vacated the office appoint a director to serve the remainder of the term. Provides that directors are not entitled to receive compensation for serving as directors but are authorized to be reimbursed for actual, reasonable expenses incurred in the discharge of official duties. Requires a majority vote of a quorum for board action. Provides that, if there is a tie vote, the proposed action fails.

SECTION 2.15. APPOINTMENT OF DIRECTORS. Requires the Robertson County Commissioners Court to appoint four directors who must meet certain requirements. Requires the Brazos County Commissioners Court to appoint two directors who must meet certain requirements. Requires the governing body of the City of Bryan to appoint one director. Requires the governing body of the City of College Station to appoint one director. Requires each of the governing bodies authorized by this section to make an appointment to appoint the appropriate number of initial directors as soon as practicable following the effective date of this act, but not later than the 45th day after the effective date of this Act.

SECTION 2.16. ORGANIZATIONAL MEETING. Requires that, as soon as practicable after all the initial directors have been appointed and have qualified as provided in this article, a majority of the directors convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires the meeting, if no location can be agreed upon, to be at the Robertson County Courthouse.

SECTION 2.17. CONFIRMATION ELECTION. (a) Requires the initial board of directors to call and hold an election on the same date in each county within the district to confirm the creation of the district.

(b) Requires a confirmation election, except as provided by this section, to be conducted as provided by Sections 36.017 (Confirmation and Directors' Election), 36.018 (Inclusion of Municipality), and 36.019 (Confirmation Election in District Including Land in More Than One County), Water Code, and Section 41.001 (Uniform Election Dates), Election Code.

(c) Provides that confirmation of the district requires a vote in favor of confirmation by a majority of the qualified voters voting in the election

(d) Provides that, if the establishment of the district is not confirmed by an election held under this section before the second anniversary of the effective date of this act, the district is dissolved and this article expires on that date.

ARTICLE III. MILAM BURLESON GROUNDWATER CONSERVATION DISTRICT

SECTION 3.01. CREATION. Creates a groundwater conservation to be known as the Milam Burleson Groundwater Conservation District (district) in Milam county, subject to approval at a confirmation election under Section 3.16 of this article. Provides that the district is a governmental agency and a body politic and corporate. Provides that the district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 3.02. DEFINITION. Defines “district.”

SECTION 3.03. BOUNDARIES. Sets forth boundaries of the district.

SECTION 3.05. FINDING OF BENEFIT. Provides findings of benefit.

SECTION 3.05. GENERAL POWERS. Provides that, except as otherwise provided by this article, the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59 (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), Article XVI, Texas Constitution. Provides that this article prevails over any provision of general law that is in conflict or inconsistent with the article, including any provision of Chapter 36 , Water Code, or Chapter 1331 (relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts), Acts of the 76th Legislature, Regular Session, 1999 (Senate Bill No. 1911). Provides that the district does not have the authority granted by certain stated provisions of Chapter 36,

Water Code.

SECTION 3.06. FEES. Authorizes the board of directors of the district by rule to impose reasonable fees on each well for which a permit is issued by the district and that is not exempt from regulation by the district. Authorizes a fee to be based on the size of column pipe used by the well or on the actual, authorized, or anticipated amount of water to be withdrawn from the well. Prohibits the initial fee from exceeding certain amounts under certain conditions. Authorizes the district, in addition to the initial fee authorized under this section, to assess a fee on groundwater from a well that is produced for transport outside the district. Prohibits the combined fees from exceeding the limit on a fee amount set by Section 36.205(c) (Regarding fees based on the amount of water to be withdrawn from a well), Water Code. Authorizes fees authorized by this section to be assessed annually and to be used to fund the cost of district operations and expenses of the district's or council's operations.

SECTION 3.07. EXEMPTIONS. (a) Authorizes a district, pursuant to Section 36.117 (Exemptions; Exception; Limitations), Water Code, as amended, to exempt wells from the requirements to obtain a drilling permit, an operating permit, or any other permit required by this chapter or the district's rules. Prohibits a district from requiring permits for certain purposes.

(b) Requires the board to adopt rules determining the applicability of Subsection (a)(3) to facilities used primarily for feeding livestock.

(c) Prohibits the district from denying the owner of a tract of land, or his lessee, who has no well equipped to produce more than 25,000 gallons a day on the tract, either a permit to drill a well on his land or the privilege to produce groundwater from his land, subject to the rules of the district.

(d) Prohibits a district from restricting the production of any well equipped to produce 25,000 gallons or less a day.

(e) Requires water wells exempted under this section to be equipped and maintained so as to conform to the district's rules requiring installing of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(f) Requires a district to require water wells exempted under this section to be registered with the district before drilling. Requires all exempt water wells to be equipped and maintained so as to conform to the district's rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(g) Provides that a well to supply water for a subdivision of land for which a plat approval is required by law is not exempted under this section.

SECTION 3.08. MINING EXEMPTION. (a) Provides that a groundwater well that is used by a mining operation and permitted by the Railroad Commission of Texas is exempt from permit requirements, regulations, and fees imposed by the district if the amount of water withdrawn from the well is not greater than the amount required by the mining operation for mining purposes. Provides that a mining operation that withdraws the amount of water required for mining purposes, uses that water for mining purposes, and then puts that water to another use does not forfeit the exemption granted by this section, but any production of water in addition to water withdrawn for mining purposes is subject to district permitting and regulation.

(b) Authorizes the district to require a well used for mining purposes and exempt under this

section to comply with the spacing requirements of the district if any withdrawals from that well are in addition to withdrawals for mining purposes.

(c) Authorizes a mining operation to voluntarily waive the exemption granted by this section.

SECTION 3.09. MITIGATION ASSISTANCE. Authorizes the district, in addition to the authority granted under Chapter 36, Water Code, to assist in the mediation between landowners regarding the mitigation of the loss of existing groundwater supply of exempt domestic and livestock users due to the groundwater pumping of others.

SECTION 3.10. MEMBERSHIP ON COORDINATING COUNCIL. Provides that the district is a member of the Central Carrizo-Wilcox Coordinating Council created by Section 5.01(a) of this Act.

SECTION 3.11. MANAGEMENT PLAN. Requires the district to develop or contract to develop its own management plan under Section 36.1071(Management Plan), Water Code, and submit it to the Central Carrizo-Wilcox Coordinating Council to be included in the management plan developed by the Central Carrizo-Wilcox Coordinating Council under Section 5.06 of this Act.

SECTION 3.12. PERMITTING. Requires the district to issue permits for wells based on certain considerations.

SECTION 3.13. BOARD OF DIRECTORS. Provides that the district is governed by a board of 10 directors. Provides for director's term limits, qualifications, board vacancies, and compensation and reimbursement. Provides that a quorum exists when at least two-thirds of the board members are present. Provides that if there is a tie vote, the proposed action fails.

SECTION 3.14. APPOINTMENT OF DIRECTORS. Requires the Milam County Commissioners Court to appoint ten directors who must meet certain requirements. Makes a conforming change regarding the governing body authorized by this section making an appointment of initial directors. Requires the initial directors to draw lots to determine their terms. Provides that five initial directors from Milam County serve terms that expire on January 1 of the second year following the confirmation of the district at an election held under Section 3.16 of this article. Provides that the remaining five initial directors serve terms that expire on January 1 of the fourth year following the confirmation of the district. Requires the commissioners court, on January 1 of the second year following confirmation of the district and every two years after that date, to appoint the appropriate number of permanent directors.

SECTION 3.15. ORGANIZATIONAL MEETING. Requires that, as soon as practicable after all the initial directors have been appointed and have qualified as provided in this article, a majority of the directors convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires the meeting, if no location can be agreed upon, to be at the Milam County Courthouse.

SECTION 3.16. CONFIRMATION ELECTION. (a) Requires the initial board of directors to call and hold an election on the same date in each county within the district to confirm the creation of the district.

(b) Requires a confirmation election, except as provided by this section, to be conducted as provided by Sections 36.017 (Confirmation and Directors' Election), 36.018 (Inclusion of Municipality), and 36.019 (Confirmation Election in District Including Land in More Than One County), Water Code, and Section 41.001 (Uniform Election Dates), Election Code.

(c) Provides that confirmation of the district requires a vote in favor of confirmation by a majority of the qualified voters voting in the election

(d) Provides that, if the establishment of the district is not confirmed by an election held under this section before the second anniversary of the effective date of this act, the district is dissolved and this article expires on that date.

ARTICLE IV. LEON, MADISON, AND FREESTONE GROUNDWATER CONSERVATION DISTRICT

SECTION 4.01. CREATION. Makes conforming changes regarding the creation of the Leon, Madison, and Freestone Groundwater Conservation District (district).

SECTION 4.02. DEFINITION. Defines “district.”

SECTION 4.03. BOUNDARIES. Sets forth boundaries of the district.

SECTION 4.04. FINDING OF BENEFIT. Provides findings of benefit.

SECTION 4.05. GENERAL POWERS. Provides that, except as otherwise provided by this article, the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59 (Conservation and Development of Natural Resources; Conservation and Reclamation Districts), Article XVI, Texas Constitution. Provides that this article prevails over any provision of general law that is in conflict or inconsistent with the article, including any provision of Chapter 36, Water Code, or Chapter 1331 (relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts), Acts of the 76th Legislature, Regular Session, 1999 (Senate Bill No. 1911). Provides that the district does not have the authority granted by certain stated provisions of Chapter 36, Water Code.

SECTION 4.06. FEES. Authorizes the board of directors of the district by rule to impose reasonable fees on each well for which a permit is issued by the district and that is not exempt from regulation by the district. Authorizes a fee to be based on the size of column pipe used by the well or on the actual, authorized, or anticipated amount of water to be withdrawn from the well. Prohibits the initial fee from exceeding certain amounts under certain conditions. Authorizes the district, in addition to the initial fee authorized under this section, to assess a fee on groundwater from a well that is produced for transport outside the district. Prohibits the combined fees from exceeding the limit on a fee amount set by Section 36.205(c) (Regarding fees based on the amount of water to be withdrawn from a well), Water Code. Authorizes fees authorized by this section to be assessed annually and to be used to fund the cost of district operations and expenses of the district’s or council’s operations.

SECTION 4.07. EXEMPTIONS. a) Authorizes a district, pursuant to Section 36.117 (Exemptions; Exception; Limitations), Water Code, as amended, to exempt wells from the requirements to obtain a drilling permit, an operating permit, or any other permit required by this chapter or the district’s rules. Prohibits a district from requiring permits for certain purposes.

(b) Requires the board to adopt rules determining the applicability of Subsection (a)(3) to facilities used primarily for feeding livestock.

(c) Prohibits the district from denying the owner of a tract of land, or his lessee, who has no well equipped to produce more than 25,000 gallons a day on the tract, either a permit to drill a well on his land or the privilege to produce groundwater from his land, subject to the rules of the district.

(d) Prohibits a district from restricting the production of any well equipped to produce 25,000 gallons or less a day.

(e) Requires water wells exempted under this section to be equipped and maintained so as to conform to the district's rules requiring installing of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(f) Requires a district to require water wells exempted under this section to be registered with the district before drilling. Requires all exempt water wells to be equipped and maintained so as to conform to the district's rules requiring installation of casing, pipe, and fittings to prevent the escape of groundwater from a groundwater reservoir to any reservoir not containing groundwater and to prevent the pollution or harmful alteration of the character of the water in any groundwater reservoir.

(g) Provides that a well to supply water for a subdivision of land for which a plat approval is required by law is not exempted under this section.

SECTION 4.08. MINING EXCEPTION. (a) Provides that a groundwater well that is used by a mining operation and permitted by the Railroad Commission of Texas is exempt from permit requirements, regulations, and fees imposed by the district if the amount of water withdrawn from the well is not greater than the amount required by the mining operation for mining purposes. Provides that a mining operation that withdraws the amount of water required for mining purposes, uses that water for mining purposes, and then puts that water to another use does not forfeit the exemption granted by this section, but any production of water in addition to water withdrawn for mining purposes is subject to district permitting and regulation.

(b) Authorizes the district to require a well used for mining purposes and exempt under this section to comply with the spacing requirements of the district if any withdrawals from that well are in addition to withdrawals for mining purposes.

(c) Authorizes a mining operation to voluntarily waive the exemption granted by this section.

SECTION 4.09. MITIGATION ASSISTANCE. Authorizes the district, in addition to the authority granted under Chapter 36, Water Code, to assist in the mediation between landowners regarding the mitigation of the loss of existing groundwater supply of exempt domestic and livestock users due to the groundwater pumping of others.

SECTION 4.10. MEMBERSHIP ON COORDINATING COUNCIL. Provides that the district is a member of the Central Carrizo-Wilcox Coordinating Council created by Section 5.01(a) of this Act.

SECTION 4.11. MANAGEMENT PLAN. Requires the district to develop or contract to develop its own management plan under Section 36.1071(Management Plan), Water Code, and submit it to the Central Carrizo-Wilcox Coordinating Council to be included in the management plan developed by the Central Carrizo-Wilcox Coordinating Council under Section 5.06 of this Act.

SECTION 4.12. PERMITTING. Requires the district to issue permits for wells based on certain considerations.

SECTION 4.13. BOARD OF DIRECTORS. Provides that the district is governed by a board of nine directors. Provides for director's terms, qualifications, board vacancies, and compensation and reimbursement, and majority vote.

SECTION 4.14. APPOINTMENT OF DIRECTORS. Requires the Leon County Commissioners

Court to appoint three directors who meet certain requirements. Requires the Madison County Commissioners Court to appoint three directors who meet certain requirements. Requires the Freestone County Commissioners Court to appoint three directors who meet certain requirements. Makes a conforming change regarding the governing bodies authorized by this section making appointments of initial directors. Requires the initial directors to draw lots to determine their terms. Provides that a simple majority of the initial directors, if an odd number of initial directors are appointed, or half the initial directors, if an even number of initial directors are appointed, serve terms that expire on January 1 of the fourth year following the confirmation of the district at an election held under Section 4.15 of this article. Provides that the remaining initial directors serve terms that expire on January 1 of the second year following the confirmation of the district. Requires that, on January 1 of the second year following confirmation of the district and every two years after that date, the appropriate commissioners courts appoint the appropriate number of permanent directors.

SECTION 4.15. ORGANIZATIONAL MEETING. Requires that, as soon as practicable after all the initial directors have been appointed and have qualified as provided in this article, a majority of the directors convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires the meeting, if no location can be agreed upon, to be at the Leon County Courthouse.

SECTION 4.16. CONFIRMATION ELECTION. (a) Requires the initial board of directors to call and hold an election on the same date in each county within the district to confirm the creation of the district.

(b) Requires a confirmation election, except as provided by this section, to be conducted as provided by Sections 36.017 (Confirmation and Directors' Election), 36.018 (Inclusion of Municipality), and 36.019 (Confirmation Election in District Including Land in More Than One County), Water Code, and Section 41.001 (Uniform Election Dates), Election Code.

(c) Provides that if the majority of qualified voters in a county who vote in the election vote to confirm the creation of the district, that county is included in the district. Provides that if the majority of qualified voters in a county who vote in the election vote not to confirm the creation of the district, that county is excluded from the district.

(d) Provides that, if the establishment of the district is not confirmed by an election held under this section before the second anniversary of the effective date of this act, the district is dissolved and this article expires on that date.

ARTICLE V. CENTRAL CARRIZO-WILCOX COORDINATING COUNCIL.

SECTION 5.01. CREATION. Creates the Central Carrizo-Wilcox Coordinating Council (council). Provides that the council is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. Provides findings of pupose.

SECTION 5.02. Sets forth boundaries of the council.

SECTION 5.03. DEFINITIONS. Defines “council,” and “district.”

SECTION 5.04. FINDING OF BENEFIT. Provides findings of benefit.

SECTION 5.05. AUTHORITY OF COUNCIL. Provides that the council does not have the powers granted by Chapter 36, Water Code, except as stated in this article and as authorized by the districts. Provides that the failure of one or more of the districts’ confirmation elections does not affect the authority of the council.

SECTION 5.06. MANAGEMENT PLAN. (a) Requires the council to perform certain duties

regarding a management plan for the council's coordinating area.

(b) Requires the council to coordinate the comprehensive management plan, as required by Sections 36.1071(Management Plan) and 36.1073 (Amendment to Management Plan), Water Code, for all of the counties within its boundaries. Requires the council, in coordinating the comprehensive management plan, to include and use the management plans developed by the individual districts.

(c) Authorizes the council, in the management plan, to establish annual total groundwater withdrawal limit and equitable allocation for each district as determined from an evaluation of the overall scientific data of the groundwater resources in the region, including the Texas Water Development Board's groundwater availability model. Requires the determination of sustainable groundwater withdrawal to be reviewed at least every five years. Prohibits an individual district from restricting the total amount of groundwater withdrawn in the district to less than the limit as determined from the evaluation of scientific data established under this subsection. Requires that, if the council establishes an annual total groundwater withdrawal limit and that limit is reached, groundwater withdrawal used for public water supply only be restricted by unanimous vote of the council.

(d) Requires the council, on completion of the comprehensive management plan and after approval of the plan by vote of at least 75 percent of the council, to forward a copy of the management plan and any amendment to the plan to the Texas Water Development Board as required by Section 36.1072 (Texas Water Development Board Review and Certification of Management Plan), Water Code. Requires the council, in preparing the comprehensive management plan and its amendments, to consider certain factors.

SECTION 5.07. MANAGEMENT OF COUNCIL. (a) Requires the districts' representatives appointed to the council to manage all affairs of the council.

(b) Authorizes the council to contract with any person, public or private, as the council requires to conduct its affairs. Requires the council to set the compensation and terms for consultants.

(c) Requires the council, in selecting an attorney, engineer, auditor, financial advisor, or other professional consultant, to follow the procedures of Chapter 2254A, Government Code (Professional Services Procurement Act).

(d) Requires the council to require an officer or consultant who collects, pays, or handles any council funds to furnish good and sufficient bond, payable to the council, in an amount determined by the council to be sufficient to safeguard the council. Requires the bond to be conditioned on the faithful performance of that person's duties and on an accounting for all council funds and property. Requires the bond to be signed or endorsed by a surety company authorized to do business in this state.

SECTION 5.08. MEETINGS. Requires the council to hold a regular annual meeting. Authorizes the council to hold meetings at other times as required for council business. Requires notice of council meetings to be given as required by the open meetings law, Chapter 551, Government Code.

SECTION 5.09. RECORDS. Requires the council to keep a complete account of all its meetings and proceedings and to preserve all council records in a safe place. Provides that council records are the property of the council and are subject to Chapter 552, Government Code. Provides that the preservation, storage, destruction, or other disposition of council records are subject to Chapter 201 (General Provisions), Local Government Code, and rules adopted under that chapter.

SECTION 5.10. RESEARCH, SURVEYS, AND COLLECTION AND DISSEMINATION OF INFORMATION. Authorizes the council, but only as authorized by the districts, to carry out certain

stated functions. Provides that a unanimous vote of the council is required before the council may take an action authorized by Subsection (a) of this section.

SECTION 5.11. FUNDING. Requires the council to be funded for certain services by assessments to each district, in proportion to the amount of groundwater pumped on which production fees are assessed by the district. Authorizes the council to be funded for services other than those listed in this section, in any manner determined appropriate by unanimous vote of the council, or provided for by interlocal agreement.

SECTION 5.12. SUITS. Requires all courts to take judicial notice of the creation of the council and of its boundaries. Provides that Sections 36.066(f) and (g), Water Code, pertaining to suits, apply to the council.

SECTION 5.13. CONTRACTS. Authorizes the council to contract in the name of the council.

SECTION 5.14. DISTRICT COORDINATION. Authorizes the council to enter into interlocal agreements with its member districts to provide for administrative assistance and other services identified in Section 5.10 of this article. Authorizes the council to coordinate the activities of the districts to the extent authorized by the districts. Authorizes the council to mediate disputes concerning the regulation of groundwater along the boundaries of each district and, in the event that the council is unable to reach a resolution, it is authorized to petition the Texas Natural Resource Conservation Commission for resolution of the dispute under Section 36.108 (Joint Planning in Management Area), Water Code.

SECTION 5.15. MITIGATION OF GROUNDWATER DEPLETION. Requires the council to determine biennially, using the overall available scientific data of groundwater resources in the Central Carrizo-Wilcox area, whether pumping within one district is unreasonably affecting groundwater wells in one or more other member districts. Authorizes the council to enact mitigation measures in response to such unreasonable adverse effects only if the measures are based on a scientific determination made under this subsection and three-fourths of the members of the council vote to enact the measures. Authorizes the council to assist in the mediation between landowners regarding the mitigation of the loss of existing groundwater supply of exempt domestic and livestock users due to the groundwater pumping of others in adjoining districts within the council boundaries.

SECTION 5.16. COMPOSITION OF COUNCIL. Provides that the council consists of three representatives of each district appointed by and serving at the pleasure of the directors of the district. Requires the council, after the council is created and the districts select their three representatives to serve on the council, to meet and elect a president, vice president, secretary, and any other officers or assistant officers the council considers necessary and begin to discharge its duties. Provides that a quorum for a council meeting is achieved only if a majority of the membership of the council is present and each district has a representative at the meeting.

SECTION 5.17. COORDINATION WITH THE BLUEBONNET GROUNDWATER CONSERVATION DISTRICT. (a) Requires the council to coordinate activities with the Bluebonnet Groundwater Conservation District or any other groundwater conservation district created in Grimes, Washington, Austin, or Waller counties if the groundwater conservation district chooses to coordinate activities.

(b) Authorizes the Bluebonnet Groundwater Conservation District or any other groundwater conservation district created in Grimes, Washington, Austin, or Waller counties to appoint a nonvoting representative to the council.

(c) Authorizes the council to perform duties described in this article for the Bluebonnet Groundwater Conservation District or any other groundwater conservation district created in Grimes, Washington, Austin, or Waller counties through interlocal agreements.

ARTICLE VI. PROCEDURAL REQUIREMENTS; EFFECTIVE DATE.

SECTION 6.01. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. (a) Provides that 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) Provides that the Texas Natural Resource Conservation Commission has filed its recommendations relating to this Act with the governor and speaker of the house of representatives within the required time.

(c) Provides that 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 Acts are fulfilled and accomplished.

SECTION 6.02. EFFECTIVE DATE. Provides that this Act takes effect September 1, 2001.