

By: Isaac

H.B. No. 3677

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Heart of Texas Aquifer District and the dissolution of certain groundwater conservation districts; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.

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

ARTICLE 1. CREATION OF DISTRICT

SECTION 1.1. CREATION OF DISTRICT. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8892 to read as follows:

CHAPTER 8892. HEART OF TEXAS AQUIFER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8892.001. 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 Heart of Texas Aquifer District.

Sec. 8892.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Comal County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8892.003. INITIAL DISTRICT TERRITORY. The initial territory of the district:

1 (1) consists of the territory of the following
2 counties except as provided by Subdivision (2):

3 (A) Blanco;

4 (B) Burnet;

5 (C) Comal;

6 (D) Hays; and

7 (E) Kendall; and

8 (2) does not include territory included inside the
9 territorial boundaries of the following districts as those
10 boundaries are established on September 1, 2017:

11 (A) the Barton Springs-Edwards Aquifer
12 Conservation District;

13 (B) the Edwards Aquifer Authority; or

14 (C) the Plum Creek Conservation District.

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 8892.051. COMPOSITION OF BOARD. The district is
17 governed by a board of five appointed directors.

18 Sec. 8892.052. TERMS AND APPOINTMENT OF DIRECTORS.
19 Directors serve staggered four-year terms. Directors are appointed
20 as follows:

21 (1) one director appointed by the Blanco County
22 Commissioners Court;

23 (2) one director appointed by the Burnet County
24 Commissioners Court;

25 (3) one director appointed by the Comal County
26 Commissioners Court;

27 (4) one director appointed by the Hays County

1 Commissioners Court; and

2 (5) one director appointed by the Kendall County
3 Commissioners Court.

4 Sec. 8892.053. VACANCIES. If there is a vacancy on the
5 board, the commissioners court of the county that appointed the
6 director whose position has become vacant shall appoint a person to
7 fill the vacancy for the remainder of the term.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8892.101. GROUNDWATER CONSERVATION DISTRICT POWERS
10 AND DUTIES. The district has the rights, powers, privileges,
11 functions, and duties provided by the general law of this state,
12 including Chapter 36, Water Code, applicable to groundwater
13 conservation districts created under Section 59, Article XVI, Texas
14 Constitution.

15 Sec. 8892.102. CONTRACTS. The district may contract with a
16 state agency or political subdivision, including a municipality, a
17 county, a river authority, or another district, to carry out any
18 function of the district.

19 SECTION 1.2. APPOINTMENT OF DIRECTORS. Not later than
20 September 1, 2018, the county commissioners courts of Blanco,
21 Burnet, Comal, Hays, and Kendall Counties each shall appoint a
22 member of the board of directors of the Heart of Texas Aquifer
23 District as required by Section 8892.052, Special District Local
24 Laws Code, as added by this Act.

25 ARTICLE 2. TRANSFERS; DISSOLUTION OF DISTRICTS; REPEALER

26 SECTION 2.1. DEFINITIONS. In this article:

27 (1) "Aquifer district" means the Heart of Texas

1 Aquifer District.

2 (2) "Districts" means the following:

3 (A) the Blanco-Pedernales Groundwater
4 Conservation District;

5 (B) the Central Texas Groundwater Conservation
6 District;

7 (C) the Comal Trinity Groundwater Conservation
8 District;

9 (D) the Cow Creek Groundwater Conservation
10 District; and

11 (E) the Hays Trinity Groundwater Conservation
12 District.

13 SECTION 2.2. TRANSFERS. (a) Not earlier than September 1,
14 2018, and not later than December 1, 2018, each of the districts
15 shall:

16 (1) transfer the district's assets, debts, and
17 contractual rights and obligations to the aquifer district; and

18 (2) provide notice and make recordings of the
19 transfers under this section as required by the Water Code,
20 Property Code, and other law.

21 (b) On December 1, 2018, the powers, functions, and duties
22 of the districts are transferred to the aquifer district.

23 SECTION 2.3. PROHIBITION ON CERTAIN ACTIONS. (a) Before
24 December 1, 2018, the board of directors of the aquifer district:

25 (1) may not take any regulatory action under Chapter
26 36, Water Code;

27 (2) shall adopt rules for the administration of the

1 aquifer district under Chapter 36, Water Code; and

2 (3) may hire employees of the aquifer district.

3 (b) On and after December 1, 2018, the districts have no
4 authority to take any action under Chapter 36, Water Code.

5 SECTION 2.4. DISSOLUTION OF CERTAIN DISTRICTS. On January
6 1, 2019:

7 (1) the districts are dissolved;

8 (2) the terms of the directors of the districts
9 expire; and

10 (3) the aquifer district shall provide to the Texas
11 Commission on Environmental Quality notice of the dissolution of
12 the districts.

13 SECTION 2.5. REPEALER. On January 1, 2019:

14 (1) Chapter 1147 (H.B. 3229), Acts of the 78th
15 Legislature, Regular Session, 2003, is repealed; and

16 (2) the following chapters of the Special District
17 Local Laws Code are repealed:

18 (A) Chapter 8810;

19 (B) Chapter 8838;

20 (C) Chapter 8843; and

21 (D) Chapter 8875.

22 ARTICLE 3. EFFECTIVE DATE

23 SECTION 3.1. EFFECTIVE DATE. This Act takes effect
24 September 1, 2017.