

By: Rangel, Puente, Guillen, Canales

H.B. No. 3374

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Kenedy County Groundwater
4 Conservation District.

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

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Board" means the board of directors of the
8 district.

9 (2) "District" means the Kenedy County Groundwater
10 Conservation District.

11 SECTION 2. CREATION. (a) A groundwater conservation
12 district, to be known as the Kenedy County Groundwater Conservation
13 District, is created in Kenedy County, subject to approval at a
14 confirmation election under Section 10 of this Act.

15 (b) The district is a governmental agency and a political
16 subdivision of this state.

17 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
18 district is created to serve a public use and benefit.

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

22 (c) All of the land and other property included within the
23 boundaries of the district will be benefited by the works and
24 projects that are to be accomplished by the district under powers

1 conferred by Section 59, Article XVI, Texas Constitution.

2 SECTION 4. BOUNDARIES. The boundaries of the district are
3 coextensive with the boundaries of Kenedy County, Texas.

4 SECTION 5. APPLICABILITY OF OTHER LAW. This Act prevails
5 over any provision of general law that is in conflict or
6 inconsistent with this Act.

7 SECTION 6. BOARD OF DIRECTORS. (a) The district is
8 governed by a board of five directors.

9 (b) Temporary directors serve until initial directors are
10 elected under Section 10 of this Act.

11 (c) Two of the initial directors serve until the first
12 election of permanent directors under Section 11 of this Act. Three
13 of the initial directors serve until the second election of
14 permanent directors under Section 11 of this Act.

15 (d) Permanent directors serve staggered four-year terms.

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

18 (f) A director serves until the director's successor has
19 qualified.

20 SECTION 7. COMPENSATION OF DIRECTORS. A director is not
21 entitled to fees of office but is entitled to reimbursement of
22 actual expenses reasonably and necessarily incurred while engaging
23 in activities on behalf of the district.

24 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
25 consists of five members appointed by the Commissioners Court of
26 Kenedy County.

27 (b) If a temporary director fails to qualify for office, the

1 Commissioners Court of Kenedy County shall appoint a person to fill
2 the vacancy.

3 SECTION 9. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
4 PRECINCTS. (a) The directors of the district shall be elected
5 according to the commissioners precinct method as provided by this
6 section.

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

10 (c) Except as provided by Subsection (e) of this section, to
11 be eligible to be a candidate for or to serve as director at large, a
12 person must be a registered voter in the district. To be a
13 candidate for or to serve as director from a county commissioners
14 precinct, a person must be a registered voter of that precinct.

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

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

18 or

19 (2) that the person seeks to represent the district at
20 large.

21 (e) When the boundaries of the county commissioners
22 precincts are redrawn after each federal decennial census to
23 reflect population changes, a director in office on the effective
24 date of the change, or a director elected or appointed before the
25 effective date of the change whose term of office begins on or after
26 the effective date of the change, shall serve in the precinct to
27 which elected or appointed even though the change in boundaries

1 places the person's residence outside the precinct for which the
2 person was elected or appointed.

3 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

4 (a) The temporary board shall call and hold an election to confirm
5 establishment of the district and to elect initial directors.

6 (b) At the confirmation and initial directors' election,
7 the temporary board shall have placed on the ballot the name of any
8 candidate filing for an initial director's position and blank
9 spaces to write in the names of other persons. A temporary director
10 who is eligible to be a candidate under Section 9 may file for an
11 initial director's position.

12 (c) The initial directors elected shall draw lots to decide
13 which two shall serve terms lasting until replacement directors are
14 elected at the first regularly scheduled election of directors
15 under Section 11 of this Act and which three shall serve until the
16 second regularly scheduled election of directors.

17 (d) Section 41.001(a), Election Code, does not apply to a
18 confirmation and initial directors' election held as provided by
19 this section.

20 (e) Except as provided by this section, a confirmation and
21 initial directors' election must be conducted as provided by
22 Sections 36.017(b)-(i), Water Code, and the Election Code.

23 SECTION 11. ELECTION OF DIRECTORS. (a) On the first
24 Saturday in May of the first even-numbered year after the year in
25 which the district is authorized to be created at a confirmation
26 election, an election shall be held in the district for the election
27 of two directors to replace the two initial directors serving

1 shorter terms from the confirmation election.

2 (b) On the first Saturday in May of each subsequent
3 even-numbered year following the election, the appropriate number
4 of directors shall be elected.

5 SECTION 12. GENERAL POWERS. The district has all of the
6 rights, powers, privileges, authority, functions, and duties
7 provided by the general law of this state, including Chapter 36,
8 Water Code, applicable to groundwater conservation districts
9 created under Section 59, Article XVI, Texas Constitution.

10 SECTION 13. TAX RATE. The district may levy a tax to pay any
11 part of bonds or notes issued by the district at a rate not to exceed
12 20 cents on each \$100 of assessed valuation.

13 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

14 (a) The legal notice of the intention to introduce this Act,
15 setting forth the general substance of this Act, has been published
16 as provided by law, and the notice and a copy of this Act have been
17 furnished to all persons, agencies, officials, or entities to which
18 they are required to be furnished under Section 59, Article XVI,
19 Texas Constitution, and Chapter 313, Government Code. The
20 governor, one of the required recipients, has submitted the notice
21 and Act to the Texas Commission on Environmental Quality.

22 (b) The Texas Commission on Environmental Quality has filed
23 its recommendations relating to this Act with the governor,
24 lieutenant governor, and speaker of the house of representatives
25 within the required time.

26 (c) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
4 takes effect September 1, 2003.

5 (b) If the creation of the district is not confirmed at a
6 confirmation election held under Section 10 of this Act before
7 September 1, 2005, this Act expires on that date.