

By: Rangel

H.B. No. 3374

A BILL TO BE ENTITLED

AN ACT

1
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. CREATION. (a) A groundwater conservation
7 district, to be known as the Kenedy County Groundwater Conservation
8 District, is created in Kenedy County, subject to approval at a
9 confirmation election under Section 10 of this Act. The district is
10 a governmental agency and a body politic and corporate.

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

14 SECTION 2. DEFINITION. In this Act, "district" means the
15 Kenedy County Groundwater Conservation District.

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

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

24 SECTION 5. GENERAL POWERS. (a) The district has all of the

1 rights, powers, privileges, authority, functions, and duties
2 provided by the general law of this state, including Chapter 36,
3 Water Code, applicable to groundwater conservation districts
4 created under Section 59, Article XVI, Texas Constitution. This
5 Act prevails over any provision of general law that is in conflict
6 or inconsistent with this Act.

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

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

13 (c) Chapter 49, Water Code, does not apply to the district.

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

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

18 (c) Initial directors serve until permanent directors are
19 elected under Section 11 of this Act.

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

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

23 (f) A director serves until the director's successor has
24 qualified.

25 SECTION 7. COMPENSATION OF DIRECTORS. A director is not
26 entitled to fees of office but is entitled to reimbursement of
27 actual expenses reasonably and necessarily incurred while engaging

1 in activities on behalf of the district.

2 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
3 directors consists of five members appointed by the Commissioners
4 Court of Kenedy County.

5 (b) If a temporary director fails to qualify for office, the
6 Commissioners Court of Kenedy County shall appoint a person to fill
7 a vacancy.

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

12 (b) One director shall be elected by the electors of the
13 entire district, and one director shall be elected from each county
14 commissioners precinct by the electors of that precinct.

15 (c) To be qualified to be a candidate for or to serve as
16 director at large, a person must be a registered voter in the
17 district. To be a candidate for or to serve as director from a
18 county commissioners precinct, a person must be a registered voter
19 of that precinct.

20 (d) A person shall indicate on the application for a place
21 on the ballot:

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

23 or

24 (2) that the person seeks to represent the district at
25 large.

26 (e) At the first election after the county commissioners
27 precincts are redrawn under Section 18, Article V, Texas

1 Constitution, four new directors shall be elected to represent the
2 precincts. The directors elected shall draw lots to determine
3 which two directors serve two-year terms and which two directors
4 serve four-year terms.

5 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

18 (d) Except as provided by this section, a confirmation and
19 initial directors' election must be conducted as provided by
20 Sections 36.017(b)-(h), Water Code, and the Election Code.

21 SECTION 11. ELECTION OF DIRECTORS. (a) On the first
22 Saturday in May of the first even-numbered year after the year in
23 which the district is authorized to be created at a confirmation
24 election, an election shall be held in the district for the election
25 of three directors to serve four-year terms and two directors to
26 serve two-year terms.

27 (b) On the first Saturday in May of each subsequent second

1 year following the election, the appropriate number of directors
2 shall be elected.

3 SECTION 12. TAX RATE. The district may not levy a tax to pay
4 any part of bonds or notes issued by the district that exceeds 20
5 cents on each \$100 of assessed valuation.

6 SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

7 (a) The proper and legal notice of the intention to introduce this
8 Act, setting forth the general substance of this Act, has been
9 published as provided by law, and the notice and a copy of this Act
10 have been furnished to all persons, agencies, officials, or
11 entities to which they are required to be furnished by the
12 constitution and other laws of this state, including the governor,
13 who has submitted the notice and Act to the Texas Natural Resource
14 Conservation Commission.

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

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

23 SECTION 14. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
24 takes effect September 1, 2001.

25 (b) If the creation of the district is not confirmed at a
26 confirmation election held under Section 10 of this Act before
27 September 1, 2003, this Act expires on that date.