

1-1 By: Rangel, et al. (Senate Sponsor - Lucio) H.B. No. 3374  
1-2 (In the Senate - Received from the House May 5, 2003;  
1-3 May 7, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 16, 2003, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 16, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation, administration, powers, duties,  
1-9 operation, and financing of the Kenedy County Groundwater  
1-10 Conservation District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. DEFINITIONS. In this Act:

1-13 (1) "Board" means the board of directors of the  
1-14 district.

1-15 (2) "District" means the Kenedy County Groundwater  
1-16 Conservation District.

1-17 SECTION 2. CREATION. (a) A groundwater conservation  
1-18 district, to be known as the Kenedy County Groundwater Conservation  
1-19 District, is created in Kenedy County, subject to approval at a  
1-20 confirmation election under Section 10 of this Act.

1-21 (b) The district is a governmental agency and a political  
1-22 subdivision of this state.

1-23 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The  
1-24 district is created to serve a public use and benefit.

1-25 (b) The district is created under and is essential to  
1-26 accomplish the purposes of Section 59, Article XVI, Texas  
1-27 Constitution.

1-28 (c) All of the land and other property included within the  
1-29 boundaries of the district will be benefited by the works and  
1-30 projects that are to be accomplished by the district under powers  
1-31 conferred by Section 59, Article XVI, Texas Constitution.

1-32 SECTION 4. BOUNDARIES. The boundaries of the district are  
1-33 coextensive with the boundaries of Kenedy County, Texas.

1-34 SECTION 5. APPLICABILITY OF OTHER LAW. This Act prevails  
1-35 over any provision of general law that is in conflict or  
1-36 inconsistent with this Act.

1-37 SECTION 6. BOARD OF DIRECTORS. (a) The district is  
1-38 governed by a board of five directors.

1-39 (b) Temporary directors serve until initial directors are  
1-40 elected under Section 10 of this Act.

1-41 (c) Two of the initial directors serve until the first  
1-42 election of permanent directors under Section 11 of this Act. Three  
1-43 of the initial directors serve until the second election of  
1-44 permanent directors under Section 11 of this Act.

1-45 (d) Permanent directors serve staggered four-year terms.

1-46 (e) Each director must qualify to serve as director in the  
1-47 manner provided by Section 36.055, Water Code.

1-48 (f) A director serves until the director's successor has  
1-49 qualified.

1-50 SECTION 7. COMPENSATION OF DIRECTORS. A director is not  
1-51 entitled to fees of office but is entitled to reimbursement of  
1-52 actual expenses reasonably and necessarily incurred while engaging  
1-53 in activities on behalf of the district.

1-54 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board  
1-55 consists of five members appointed by the Commissioners Court of  
1-56 Kenedy County.

1-57 (b) If a temporary director fails to qualify for office, the  
1-58 Commissioners Court of Kenedy County shall appoint a person to fill  
1-59 the vacancy.

1-60 SECTION 9. METHOD OF ELECTING DIRECTORS: COMMISSIONERS  
1-61 PRECINCTS. (a) The directors of the district shall be elected  
1-62 according to the commissioners precinct method as provided by this  
1-63 section.

1-64 (b) One director shall be elected by the voters of the

2-1 entire district, and one director shall be elected from each county  
 2-2 commissioners precinct by the voters of that precinct.

2-3 (c) Except as provided by Subsection (e) of this section, to  
 2-4 be eligible to be a candidate for or to serve as director at large, a  
 2-5 person must be a registered voter in the district. To be a  
 2-6 candidate for or to serve as director from a county commissioners  
 2-7 precinct, a person must be a registered voter of that precinct.

2-8 (d) A person shall indicate on the application for a place  
 2-9 on the ballot:

2-10 (1) the precinct that the person seeks to represent;  
 2-11 or

2-12 (2) that the person seeks to represent the district at  
 2-13 large.

2-14 (e) When the boundaries of the county commissioners  
 2-15 precincts are redrawn after each federal decennial census to  
 2-16 reflect population changes, a director in office on the effective  
 2-17 date of the change, or a director elected or appointed before the  
 2-18 effective date of the change whose term of office begins on or after  
 2-19 the effective date of the change, shall serve in the precinct to  
 2-20 which elected or appointed even though the change in boundaries  
 2-21 places the person's residence outside the precinct for which the  
 2-22 person was elected or appointed.

2-23 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

2-24 (a) The temporary board shall call and hold an election to confirm  
 2-25 establishment of the district and to elect initial directors.

2-26 (b) At the confirmation and initial directors' election,  
 2-27 the temporary board shall have placed on the ballot the name of any  
 2-28 candidate filing for an initial director's position and blank  
 2-29 spaces to write in the names of other persons. A temporary director  
 2-30 who is eligible to be a candidate under Section 9 may file for an  
 2-31 initial director's position.

2-32 (c) The initial directors elected shall draw lots to decide  
 2-33 which two shall serve terms lasting until replacement directors are  
 2-34 elected at the first regularly scheduled election of directors  
 2-35 under Section 11 of this Act and which three shall serve until the  
 2-36 second regularly scheduled election of directors.

2-37 (d) Section 41.001(a), Election Code, does not apply to a  
 2-38 confirmation and initial directors' election held as provided by  
 2-39 this section.

2-40 (e) Except as provided by this section, a confirmation and  
 2-41 initial directors' election must be conducted as provided by  
 2-42 Sections 36.017(b)-(i), Water Code, and the Election Code.

2-43 SECTION 11. ELECTION OF DIRECTORS. (a) On the first

2-44 Saturday in May of the first even-numbered year after the year in  
 2-45 which the district is authorized to be created at a confirmation  
 2-46 election, an election shall be held in the district for the election  
 2-47 of two directors to replace the two initial directors serving  
 2-48 shorter terms from the confirmation election.

2-49 (b) On the first Saturday in May of each subsequent  
 2-50 even-numbered year following the election, the appropriate number  
 2-51 of directors shall be elected.

2-52 SECTION 12. GENERAL POWERS. The district has all of the  
 2-53 rights, powers, privileges, authority, functions, and duties  
 2-54 provided by the general law of this state, including Chapter 36,  
 2-55 Water Code, applicable to groundwater conservation districts  
 2-56 created under Section 59, Article XVI, Texas Constitution.

2-57 SECTION 13. TAX RATE. The district may levy a tax to pay any  
 2-58 part of bonds or notes issued by the district at a rate not to exceed  
 2-59 20 cents on each \$100 of assessed valuation.

2-60 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

2-61 (a) The legal notice of the intention to introduce this Act,  
 2-62 setting forth the general substance of this Act, has been published  
 2-63 as provided by law, and the notice and a copy of this Act have been  
 2-64 furnished to all persons, agencies, officials, or entities to which  
 2-65 they are required to be furnished under Section 59, Article XVI,  
 2-66 Texas Constitution, and Chapter 313, Government Code. The  
 2-67 governor, one of the required recipients, has submitted the notice  
 2-68 and Act to the Texas Commission on Environmental Quality.

2-69 (b) The Texas Commission on Environmental Quality has filed

3-1 its recommendations relating to this Act with the governor,  
3-2 lieutenant governor, and speaker of the house of representatives  
3-3 within the required time.

3-4 (c) All requirements of the constitution and laws of this  
3-5 state and the rules and procedures of the legislature with respect  
3-6 to the notice, introduction, and passage of this Act are fulfilled  
3-7 and accomplished.

3-8 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
3-9 takes effect September 1, 2003.

3-10 (b) If the creation of the district is not confirmed at a  
3-11 confirmation election held under Section 10 of this Act before  
3-12 September 1, 2005, this Act expires on that date.

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