

By: Escobar

H.B. No. 91

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Kleberg County Groundwater Conservation District; providing authority to impose a tax and issue bonds and granting the power of eminent domain.

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

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8816 to read as follows:

CHAPTER 8816. KLEBERG COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8816.001. 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 Kleberg County Groundwater Conservation District.

Sec. 8816.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Kleberg County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8816.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before November 1, 2007:

(1) the district is dissolved on November 1, 2007,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of
4 debts shall be transferred to Kleberg County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires on September 1, 2010.

9 Sec. 8816.004. INITIAL DISTRICT TERRITORY. The district is
10 initially composed of the territory described by Section 2 of the
11 Act creating this chapter.

12 Sec. 8816.005. APPLICABILITY OF OTHER GROUNDWATER
13 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
14 chapter, Chapter 36, Water Code, applies to the district.

15 [Sections 8816.006-8816.020 reserved for expansion]

16 SUBCHAPTER A-1. TEMPORARY PROVISIONS

17 Sec. 8816.021. TEMPORARY DIRECTORS. (a) Not later than
18 November 11, 2005, the Kleberg County Commissioners Court shall
19 appoint five temporary directors.

20 (b) To be eligible to serve as a temporary director, a
21 person must reside in the district and be at least 18 years of age.

22 (c) If there is a vacancy on the temporary board of
23 directors of the district, the remaining temporary directors shall
24 select a qualified person to fill the vacancy. If, at any time,
25 there are fewer than three qualified temporary directors, the
26 Kleberg County Commissioners Court shall appoint the necessary
27 number of persons to fill all vacancies on the board.

1 (d) Temporary directors serve until the earlier of:

2 (1) the time the temporary directors become initial
3 directors as provided by Section 8816.023; or

4 (2) the date this chapter expires under Section
5 8816.003.

6 Sec. 8816.022. CONFIRMATION ELECTION. (a) The temporary
7 board shall hold an election to confirm the creation of the
8 district.

9 (b) Section 41.001(a), Election Code, does not apply to a
10 confirmation election held as provided by this section.

11 (c) Except as provided by this section, a confirmation
12 election must be conducted as provided by Sections 36.017(b)-(i),
13 Water Code, and the Election Code. The provision of Section
14 36.017(d), Water Code, relating to the election of permanent
15 directors does not apply to a confirmation election under this
16 section.

17 Sec. 8816.023. INITIAL DIRECTORS. (a) If creation of the
18 district is confirmed at an election held under Section 8816.022,
19 the temporary directors of the district become the initial
20 directors of the district and serve on the board of directors until
21 permanent directors are elected under Section 8816.024.

22 (b) The directors shall draw lots to determine which two
23 directors serve until the first regularly scheduled election of
24 directors under Section 8816.024 and which three directors serve
25 until the second regularly scheduled election of directors.

26 Sec. 8816.024. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the creation of the district is confirmed at an election held under
3 Section 8816.022, an election shall be held in the district for the
4 election of two directors to replace the initial directors who,
5 under Section 8816.023(b), serve until that election.

6 Sec. 8816.025. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2010.

8 [Sections 8816.026-8816.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8816.051. DIRECTORS; TERMS. (a) The district is
11 governed by a board of five directors.

12 (b) Directors serve staggered four-year terms.

13 Sec. 8816.052. METHOD OF ELECTING DIRECTORS: SINGLE-MEMBER
14 DISTRICTS. (a) The directors of the district shall be elected
15 according to the single-member district method as provided by this
16 section.

17 (b) The district shall be divided into four numbered
18 single-member districts.

19 (c) One director shall be elected by the voters of the
20 entire district, and one director shall be elected from each
21 single-member district by the voters of that district.

22 (d) To be eligible to be a candidate for or to serve as
23 director at large, a person must be a registered voter in the
24 district. Except as provided by Subsection (f), to be a candidate
25 for or to serve as director from a single-member district, a person
26 must be a registered voter in the single-member district that the
27 person represents or seeks to represent.

1 (e) A person shall indicate on the application for a place
2 on the ballot:

3 (1) the single-member district that the person seeks
4 to represent; or

5 (2) that the person seeks to represent the district at
6 large.

7 (f) The board may revise the single-member districts as
8 necessary or appropriate. The board shall revise the single-member
9 districts after each federal decennial census to reflect population
10 changes. When the boundaries of the single-member districts are
11 changed, a director in office on the effective date of the change,
12 or elected or appointed before the effective date of the change to a
13 term of office beginning on or after the effective date of the
14 change, is entitled to serve the term or remainder of the term in
15 the single-member district to which elected or appointed even
16 though the change in boundaries places the person's residence
17 outside the single-member district for which the person was elected
18 or appointed.

19 Sec. 8816.053. ELECTION DATE. The district shall hold an
20 election to elect the appropriate number of directors on the
21 uniform election date prescribed by Section 41.001, Election Code,
22 in May of each even-numbered year.

23 [Sections 8816.054-8816.100 reserved for expansion]

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 8816.101. AQUIFER STORAGE AND RECOVERY PROJECTS. In
26 addition to the powers provided by Chapter 36, Water Code, the
27 district may implement and develop aquifer storage and recovery

projects.

[Sections 8816.102-8816.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8816.151. MAINTENANCE AND OPERATION TAX. (a) The board may impose a tax to pay the maintenance and operating expenses of the district at a rate not to exceed 10 cents on each \$100 of assessed valuation.

(b) The board may not impose the tax until the tax is approved by a vote of the majority of the voters in the district voting at an election held for that purpose.

SECTION 2. The Kleberg County Groundwater Conservation District initially includes all the territory contained in the following area:

1. All of the Rincon de Santa Gertrudis Grant, Juan Mindiola, Original Grantee, Abstract 192, Kleberg County, Texas, Less & Except:

(a) 1,071.19 acres, more or less, being all of said Grant lying North of Kleberg Town and Improvement Company Subdivision and out of a 30,439.23 acre tract conveyed to Alice Gertrudis Kleberg, by Deed dated October 28, 1918 and recorded in Volume 9, Page 527, Deed Records, Kleberg County, Texas.

(b) 208.00 acres, more or less, being part of Farm Lots 1,2,3,4,5,6 & 7, Block 4, Kleberg Town and Improvement Company Subdivision as described in Oil, Gas and Mineral Lease dated September 26, 1933 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining Company, as lessee, and recorded in Volume 37, Page 183, Deed Records, Kleberg County, Texas.

1 (c) 3.60 acres, more of less, being part of Farm Lot 1,
2 Block 5, Kleberg Town and Improvement Company Subdivision as
3 described in Oil, Gas and Mineral Lease dated September 26, 1933
4 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining
5 Company, as lessee, and recorded in Volume 37, Page 183, Deed
6 Records, Kleberg County, Texas.

7 (d) 23.40 acres, more of less, being part of Farm Lot
8 5, Block 5, Kleberg Town and Improvement Company Subdivision as
9 described in Oil, Gas and Mineral Lease dated September 26, 1933
10 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining
11 Company, as lessee, and recorded in Volume 37, Page 183, Deed
12 Records, Kleberg County, Texas.

13 (e) 74.62 acres, more of less, being all of Farm Lots
14 12 and 13, Block 9, Kleberg Town and Improvement Company
15 Subdivision and being the same property conveyed to John B.
16 Armstrong and Henrietta L. Armstrong, Trustees, by Deed executed by
17 Bessie Y. Larkin, et al , dated June 10, 1964 and recorded in Volume
18 183, Page 524, Deed Records, Kleberg County, Texas.

19 (f) 23.83 acres, more of less, being part of Farm Lot
20 1, Block 12, Kleberg Town and Improvement Company Subdivision as
21 described in Oil, Gas and Mineral Lease dated September 26, 1933
22 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining
23 Company, as lessee, and recorded in Volume 37, Page 183, Deed
24 Records, Kleberg County, Texas.

25 (g) 111.53 acres, more or less, being part of Farm Lots
26 4,5 & 6, Block 19, Kleberg Town and Improvement Company Subdivision
27 as described in Oil, Gas and Mineral Lease dated September 26, 1933

1 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining
2 Company, as lessee, and recorded in Volume 37, Page 183, Deed
3 Records, Kleberg County, Texas.

4 2. All of the Santa Gertrudis Grant, Miguel Gutierrez,
5 Original Grantee, Abstract 118, Kleberg County, Texas, Less &
6 Except:

7 (a) 1,385 acres, being that portion of the M.
8 Gutierrez Survey lying North of King Addition No. 3 and lying South
9 of the 30,439 acre tract conveyed by Mrs. H. M. King to Alice G.K.
10 Kleberg as described in Oil, Gas and Mineral Lease dated September
11 26, 1933 between Caesar Kleberg, et al, as lessors and Humble Oil &
12 Refining Company, as lessee, and recorded in Volume 37, Page 183,
13 Deed Records, Kleberg County, Texas.

14 3. All of the Miguel Tejerina Survey No. 23, Abstract 228,
15 Kleberg County, Texas, Less & Except:

16 (a) 320 acres, more or less, as described in Oil, Gas
17 and Mineral Lease dated September 26, 1933 between Caesar Kleberg,
18 et al, as lessors and Humble Oil & Refining Company, as lessee,
19 recorded in Volume 37, Page 183, Deed Records, Kleberg County,
20 Texas and that portion of said Survey lying in King Addition No. 3.

21 4. All of King Addition Number 3 according to the map or plat
22 of said addition as said map or plat appears in Volume 1, Pages
23 28-29 of the Map Records of Kleberg County, Texas, Less & Except:

24 (a) All of Section One (1) of King Addition No. 3.

25 (b) All of Section Four (4) of King Addition No. 3.

26 (c) 483.6 acres, more or less, out of Section Five (5)
27 of King Addition No. 3, being the same land described as Tract 5 in a

1 deed from Robert J. Kleberg & Company to King Ranch, Inc., dated
2 September 1, 1950, recorded in Volume 87, Page 582, Deed Records,
3 Kleberg County, Texas.

4 (d) All of the South one-half (S1/2) of Section
5 Sixteen (16) of King Addition No. 3.

6 (e) All of the South one-half (S1/2) of the South East
7 Quarter (SE1/4) of Section Seventeen (17) of King Addition No. 3.

8 5. A small strip of land in the Southeast corner of the Juan
9 Jose Berban Survey No. 601, Abstract 15, Kleberg County, Texas,
10 lying in King Addition No. 3 as described in Oil, Gas and Mineral
11 Lease dated September 26, 1933 between Caesar Kleberg, et al, as
12 lessors and Humble Oil & Refining Company, as lessee, and recorded
13 in Volume 37, Page 183, Deed Records, Kleberg County, Texas.

14 6. A small strip of land, adjoining Tract 6 hereinabove, off
15 the east side of the Charlotte Breeding Survey No. 289, Abstract 19,
16 Kleberg County, Texas, lying in King Addition No. 3 as described in
17 Oil, Gas and Mineral Lease dated September 26, 1933 between Caesar
18 Kleberg, et al, as lessors and Humble Oil & Refining Company, as
19 lessee, and recorded in Volume 37, Page 183, Deed Records, Kleberg
20 County, Texas.

21 7. All of the Pasadizo Grant, Antonio Gutierrez, Original
22 Grantee, Abstract 119, Kleberg County, Texas, Less & Except:

23 (a) 3,500 acres, lying south of and adjoining King
24 Addition No. 3 as described in Oil, Gas and Mineral Lease dated
25 September 26, 1933 between Caesar Kleberg, et al, as lessors and
26 Humble Oil & Refining Company, as lessee, and recorded in Volume 37,
27 Page 183, Deed Records, Kleberg County, Texas.

1 8. All of the Rincon Del Grullo Grant, L. L. De La Garza
2 Hrs., Original Grantee, Abstract 101, Kleberg County, Texas, Less &
3 Except:

4 (a) 835 acres, lying east of the H.M. King Survey No.
5 401, Abstract 146 and lying west of St. Louis, Brownsville and
6 Mexico Railroad Company Right-of-Way and as described in Oil, Gas
7 and Mineral Lease dated September 26, 1933 between Caesar Kleberg,
8 et al, as lessors and Humble Oil & Refining Company, as lessee, and
9 recorded in Volume 37, Page 183, Deed Records, Kleberg County,
10 Texas.

11 9. Mrs. Henrietta M. Kings Second Subdivision of Riviera
12 Farm Lands according to the map or plat of said addition as said map
13 or plat appears in Volume 1, Page 1 of the Map Records of Kleberg
14 County, Texas, Less & Except:

15 (a) All Sections 49 to 56 of Mrs. Henrietta M. Kings
16 Second Subdivision of Riviera Farm Lands.

17 10. All of the Rincon De La Boveda Grant, Gabriel Trevino,
18 Original Grantee, Abstract 232, Kleberg County, Texas, Less &
19 Except:

20 (a) That portion in the southwest corner of said Grant
21 lying west of St. Louis, Brownsville and Mexico Railroad Company
22 Right-of-Way.

23 SECTION 3. (a) The legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2 Government Code.

3 (b) The governor has submitted the notice and Act to the
4 Texas Commission on Environmental Quality.

5 (c) The Texas Commission on Environmental Quality has filed
6 its recommendations relating to this Act with the governor,
7 lieutenant governor, and speaker of the house of representatives
8 within the required time.

9 (d) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act are fulfilled
12 and accomplished.

13 SECTION 4. This Act takes effect November 1, 2005.