

By: Morrison

H.B. No. 3423

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. CREATION. A groundwater conservation district
7 to be known as the Victoria County Groundwater Conservation
8 District is created in Victoria County under Article XVI, § 59,
9 Texas Constitution, subject to approval at a confirmation election
10 under Section 7 of this Act. The district is a governmental agency
11 and a body politic and corporate.

12 SECTION 2. DEFINITIONS.

13 (a) "District" means the Victoria County Groundwater
14 District.

15 (b) "Board" means the district's board of directors.

16 SECTION 3. LEGISLATIVE FINDINGS.

17 (a) the organization of the district is feasible and
18 practicable;

19 (b) all of the land to be included in, and the residents of,
20 the district will be benefited by the creation of the district;

21 (c) there is public necessity for the district; and

22 (d) the creation of the district will provide a benefit and
23 utility to the public.

24 SECTION 4. BOUNDARIES. The district is composed of all the

1 territory located within Victoria County.

2 SECTION 5. APPLICATION OF CHAPTER 36, WATER CODE; GENERAL
3 POWERS AND DUTIES. Except to the extent of any conflict with this
4 Act or as specifically limited by this Act, the district is governed
5 by and subject to Chapter 36, Water Code, and may exercise the
6 powers contained in this chapter, including the power to issue
7 bonds and levy and collect taxes, not to exceed two cents on the
8 \$100 valuation of taxable property in the district, upon approval
9 of the voters at the election provided in Section 7 of this Act. The
10 district shall not exercise the power of eminent domain provided by
11 Section 36.105, Water Code.

12 SECTION 6. TEMPORARY DIRECTORS.

13 (a) Not later than ten (10) days after the effective date of
14 this Act, Victoria County Commissioners Court shall appoint five
15 (5) persons to serve as temporary directors of the district. One
16 director shall be appointed from each county commissioner precinct
17 and one director shall be appointed from the county at large.

18 (b) If a temporary director fails to qualify for office or
19 if a vacancy occurs in the office of temporary director for any
20 reason, the remaining temporary directors shall select a qualified
21 person to fill the vacancy. If, at any time, there are fewer than
22 three qualified temporary directors, the Victoria County
23 Commissioners Court shall appoint the necessary number of persons
24 to fill all vacancies on the board.

25 (c) The temporary directors shall select from their members
26 persons to serve as chairman, vice-chairman, and secretary.

27 (d) The temporary directors shall serve until they shall

1 have declared the district created, at which time they become the
2 initial directors of the district pursuant to Section 9 of this Act.

3 (e) To be qualified to serve as a temporary director, a
4 person must be a resident of Victoria County and at least 18 years
5 of age.

6 SECTION 7. CREATION ELECTION.

7 (a) Not later than the 30th day after the effective date of
8 this Act, and without the necessity of having a petition presented,
9 the temporary directors shall meet and shall call an election to be
10 held not later than the 120th day after the effective date of this
11 Act within the boundaries of the proposed district to approve the
12 creation of the district.

13 (b) Section 41.001(a), Election Code, does not apply to an
14 election called under this section.

15 (c) The ballot for the election shall be printed to provide
16 for or against the following propositions:

17 (1) the creation of the Victoria County Groundwater
18 Conservation District; and

19 (2) the levy and collection of a property tax in the
20 district, not to exceed two cents on the \$100 valuation of taxable
21 property in the district.

22 (d) The temporary board may include other propositions on
23 the ballot that it considers necessary.

24 (e) If a majority of votes cast at the election favor the
25 creation of the district, the temporary directors shall declare the
26 district created. If a majority of the votes cast at the election
27 are against the creation of the district, the temporary directors

1 shall declare the district defeated. The temporary directors shall
2 file a copy of the election results with the Texas Commission on
3 Environmental Quality.

4 (f) If the creation of the district is defeated, further
5 elections may be called and held after the first anniversary of the
6 most recent creation election. If the district is not created
7 within five years after the effective date of this Act, this Act
8 expires.

9 SECTION 8. INITIAL DIRECTORS.

10 (a) On approval of the creation of the district under
11 Section 7 of this Act, the temporary directors become the initial
12 directors of the district and shall serve on the board for terms as
13 provided by Subsection (b) of this section.

14 (b) The persons serving as directors for Precincts 1 and 3
15 shall serve as directors until the first regular meeting of the
16 board following the first regular directors' election for Precincts
17 1 and 3. The persons serving as directors for Precincts 2 and 4 and
18 the director serving at large shall serve until the first regular
19 meeting of the board following the second regular directors'
20 election for Precincts 2 and 4 and the director serving at large.

21 (c) If, for any reason, an elected director shall not be
22 qualified to take office at the first regular meeting of the board
23 following his or her election, the initial director for that
24 precinct shall continue to serve until a successor shall have been
25 qualified.

26 SECTION 9. BOARD OF DIRECTORS.

27 (a) The board of directors of the district is composed of

1 five members.

2 (b) One member shall be elected from each county
3 commissioner precinct in Victoria County by the voters of that
4 precinct, and one director shall be elected from Victoria County at
5 large.

6 (c) A vacancy in the office of director shall be filled by
7 appointment of the board until the next election for directors. If
8 the position is not scheduled to be filled at the election, the
9 person elected to fill the position shall serve only for the
10 remainder of the unexpired term.

11 SECTION 10. ELECTION OF REGULAR DIRECTORS. Beginning in
12 the first even numbered year following the creation election, an
13 election shall be held on the first Tuesday after the first Monday
14 election date in November every two years to elect the appropriate
15 number of directors to the board. At the first election, directors
16 for Precincts 1 and 3 shall be elected. At the next election,
17 directors for Precincts 2 and 4 and the at-large director shall be
18 elected.

19 SECTION 11. QUALIFICATIONS OF BOARD MEMBERS.

20 (a) To be qualified for election as a director, a person
21 must be a resident of the district and must be at least 18 years of
22 age.

23 (b) In addition to the requirements of Subsection (a) of
24 this section, a person who is an elected director from a county
25 commissioners precinct must be a resident of that precinct.

26 SECTION 12. TERM OF OFFICE. Except for the temporary and
27 initial directors of the district, directors shall serve for terms

1 of four years.

2 SECTION 13. LIMITATION ON TAXATION. The district may not
3 impose an ad valorem tax at a rate that exceeds two cents on the \$100
4 valuation of taxable property in the district.

5 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

14 (b) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor,
16 lieutenant governor, and speaker of the house of representatives
17 within the required time.

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

22 SECTION 15. REPEALER. Chapter 1332, Acts of the 77th
23 Legislature, Regular Session, 2001, is hereby repealed.

24 SECTION 16. This Act takes effect September 1, 2005.