

1-1 By: Morrison (Senate Sponsor - Armbrister) H.B. No. 3423
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 21, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 21, 2005, sent to printer.)

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

1-8 relating to the creation of the Victoria County Groundwater
1-9 Conservation District; providing authority to impose a tax and
1-10 issue bonds; abolishing the Crossroads Groundwater Conservation
1-11 District.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle H, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8812 to read as follows:

1-15 CHAPTER 8812. VICTORIA COUNTY GROUNDWATER

1-16 CONSERVATION DISTRICT

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8812.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Victoria County Groundwater
1-23 Conservation District.

1-24 Sec. 8812.002. NATURE OF DISTRICT. The district is a
1-25 groundwater conservation district in Victoria County created under
1-26 and essential to accomplish the purposes of Section 59, Article
1-27 XVI, Texas Constitution.

1-28 Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. If the
1-29 creation of the district is not confirmed at a confirmation
1-30 election held before September 1, 2010:

1-31 (1) the district is dissolved on September 1, 2010,
1-32 except that:

1-33 (A) any debts incurred shall be paid;

1-34 (B) any assets that remain after the payment of
1-35 debts shall be transferred to Victoria County; and

1-36 (C) the organization of the district shall be
1-37 maintained until all debts are paid and remaining assets are
1-38 transferred; and

1-39 (2) this chapter expires on September 1, 2013.

1-40 Sec. 8812.004. INITIAL DISTRICT TERRITORY. The initial
1-41 boundaries of the district are coextensive with the boundaries of
1-42 Victoria County, Texas.

1-43 Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER
1-44 CONSERVATION DISTRICT LAW. Except as otherwise provided by this
1-45 chapter, Chapter 36, Water Code, applies to the district.

1-46 [Sections 8812.006-8812.020 reserved for expansion]

1-47 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-48 Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
1-49 Not later than the 10th day after September 1, 2005, the Victoria
1-50 County Commissioners Court shall appoint five temporary directors
1-51 as follows:

1-52 (1) one temporary director shall be appointed from
1-53 each of the four commissioner precincts in the county to represent
1-54 the precinct in which the temporary director resides; and

1-55 (2) one temporary director who resides in the district
1-56 shall be appointed to represent the district at large.

1-57 (b) If there is a vacancy on the temporary board of
1-58 directors of the district, the remaining temporary directors shall
1-59 select a qualified person to fill the vacancy. If, at any time,
1-60 there are fewer than three qualified temporary directors, the
1-61 Victoria County Commissioners Court shall appoint the necessary
1-62 number of persons to fill all vacancies on the board.

1-63 (c) To be eligible to serve as a temporary director, a
1-64 person must be a resident of Victoria County and at least 18 years

2-1 of age.

2-2 (d) Temporary directors serve until the earlier of:
 2-3 (1) the time the temporary directors become initial
 2-4 directors as provided by Section 8812.024; or
 2-5 (2) the date this chapter expires under Section
 2-6 8812.003.

2-7 Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-8 DIRECTORS. As soon as practicable after all the temporary
 2-9 directors have qualified under Section 36.055, Water Code, a
 2-10 majority of the temporary directors shall convene the
 2-11 organizational meeting of the district at a location within the
 2-12 district agreeable to a majority of the directors. If an agreement
 2-13 on location cannot be reached, the organizational meeting shall be
 2-14 at the Victoria County Courthouse. At the meeting, the temporary
 2-15 directors shall elect a chair, vice chair, and secretary from among
 2-16 the temporary directors.

2-17 Sec. 8812.023. CONFIRMATION ELECTION. (a) Not later than
 2-18 the 30th day after September 1, 2005, the temporary board shall
 2-19 order an election to be held not later than the 120th day after
 2-20 September 1, 2005, to confirm the creation of the district.

2-21 (b) Section 41.001(a), Election Code, does not apply to a
 2-22 confirmation election held as provided by this section.

2-23 (c) The ballot for the election must be printed to permit
 2-24 voting for or against the following proposition: "The creation of
 2-25 the Victoria County Groundwater Conservation District and the
 2-26 imposition of an ad valorem tax in the district at a rate not to
 2-27 exceed two cents for each \$100 of assessed valuation."

2-28 (d) The temporary board may include any other proposition on
 2-29 the ballot that it considers necessary.

2-30 (e) Except as provided by this section, a confirmation
 2-31 election must be conducted as provided by Section 36.017(b)-(i),
 2-32 Water Code, and the Election Code. The provision of Section
 2-33 36.017(d), Water Code, relating to the election of permanent
 2-34 directors does not apply to a confirmation election under this
 2-35 section.

2-36 (f) If the creation of the district is not confirmed at a
 2-37 confirmation election held under this section, the board may hold
 2-38 another confirmation election not sooner than the first anniversary
 2-39 of the most recent confirmation election.

2-40 Sec. 8812.024. INITIAL DIRECTORS. (a) If creation of the
 2-41 district is confirmed at an election held under Section 8812.023,
 2-42 the temporary directors of the district become the initial
 2-43 directors of the district and serve on the board of directors until
 2-44 permanent directors are elected under Section 8812.025.

2-45 (b) The directors for county commissioner precincts one and
 2-46 three serve until the first regularly scheduled election of
 2-47 directors under Section 8812.025. The directors for precincts two
 2-48 and four and the director at large serve until the second regularly
 2-49 scheduled election of directors under Section 8812.025.

2-50 Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
 2-51 the uniform election date prescribed by Section 41.001, Election
 2-52 Code, in November of the first even-numbered year after the year in
 2-53 which the creation of the district is confirmed at an election held
 2-54 under Section 8812.023, an election shall be held in the district
 2-55 for the election of two directors to replace the initial directors
 2-56 who, under Section 8812.024(b), serve until that election.

2-57 Sec. 8812.026. EXPIRATION OF SUBCHAPTER. This subchapter
 2-58 expires September 1, 2013.

2-59 [Sections 8812.027-8812.050 reserved for expansion]

2-60 SUBCHAPTER B. BOARD OF DIRECTORS

2-61 Sec. 8812.051. DIRECTORS; TERMS. (a) The district is
 2-62 governed by a board of five directors.

2-63 (b) Directors serve staggered four-year terms.

2-64 Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
 2-65 PRECINCTS. (a) The directors of the district shall be elected
 2-66 according to the commissioners precinct method as provided by this
 2-67 section.

2-68 (b) One director shall be elected by the voters of the
 2-69 entire district, and one director shall be elected from each county

commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large, a person must be at least 18 years of age and a resident of the district. To be a candidate for or to serve as director from a county commissioners precinct, a person must be at least 18 years of age and a resident of that precinct.

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

- (1) the precinct that the person seeks to represent;
- or
- (2) that the person seeks to represent the district at large.

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

Sec. 8812.053. ELECTION DATE. The district shall hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8812.054. VACANCIES. A vacancy on the board shall be filled by appointment of the board until the next regularly scheduled directors' election. The person appointed to fill the vacancy shall serve only for the remainder of the unexpired term.

[Sections 8812.055-8812.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain.

[Sections 8812.102-8812.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8812.151. LIMITATION ON TAXES. The district may not impose ad valorem taxes at a rate that exceeds two cents on each \$100 of assessed valuation of taxable property in the district.

SECTION 2. Chapter 1332, Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION 4. This Act takes effect September 1, 2005.

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