

By: Gallego

H.B. No. 3484

Substitute the following for H.B. No. 3484:

By: Puente

C.S.H.B. No. 3484

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Val Verde County Groundwater
4 Conservation District.

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

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Board" means the board of directors of the
8 district.

9 (2) "Director" means a member of the board.

10 (3) "District" means the Val Verde County Groundwater
11 Conservation District.

12 SECTION 2. CREATION. A groundwater conservation district,
13 to be known as the Val Verde County Groundwater Conservation
14 District, is created in Val Verde County, subject to approval at a
15 confirmation election under Section 8 of this Act.

16 SECTION 3. FINDINGS OF BENEFIT. (a) The district is
17 created to serve a public use and benefit.

18 (b) The district is created under and is essential to
19 accomplish the purposes of Section 59, Article XVI, Texas
20 Constitution.

21 (c) All of the land and other property included within the
22 boundaries of the district will be benefited by the works and
23 projects that are to be accomplished by the district under powers
24 conferred by Section 59, Article XVI, Texas Constitution.

1 SECTION 4. CONTINUING PROVISIONS OF DISTRICT. Subtitle H,
2 Title 6, Special District Local Laws Code, is amended by adding
3 Chapter 8804 to read as follows:

4 CHAPTER 8804. VAL VERDE COUNTY GROUNDWATER

5 CONSERVATION DISTRICT

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Sec. 8804.001. DEFINITIONS. In this chapter:

8 (1) "Agricultural use" means any use or activity
9 involving agriculture, including irrigation.

10 (2) "Agriculture" means any of the following
11 activities:

12 (A) cultivating the soil to produce crops for
13 human food, animal feed, or planting seed or for the production of
14 fibers;

15 (B) the practice of floriculture, viticulture,
16 silviculture, and horticulture, including the cultivation of
17 plants in containers of nonsoil media, by a nursery grower;

18 (C) raising, feeding, or keeping animals, other
19 than fish, for breeding purposes or for the production of food or
20 fiber, leather, pelts, or other tangible products having a
21 commercial value;

22 (D) planting cover crops, including cover crops
23 cultivated for transplantation, or leaving land idle for the
24 purpose of participating in any governmental program or normal crop
25 or livestock rotation procedure;

26 (E) wildlife management; and

27 (F) raising or keeping equine animals.

1 (3) "Board" means the board of directors of the
2 district.

3 (4) "Director" means a member of the board.

4 (5) "District" means the Val Verde County Groundwater
5 Conservation District.

6 (6) "Domestic use" means use in the district of water
7 by a person owning the well from which the water is withdrawn and by
8 that person's household for:

9 (A) drinking, washing, or culinary purposes;

10 (B) irrigation of lawns;

11 (C) irrigation of a family garden or orchard the
12 produce of which is for household consumption only;

13 (D) swimming pools, decorative ponds, or
14 fountains on the person's property; and

15 (E) watering of domestic animals not raised,
16 maintained, or sold for commercial purposes.

17 (7) "Political subdivision" means a county,
18 municipality, or other body politic or corporate of the state,
19 including a district or authority created under Section 52, Article
20 III, or Section 59, Article XVI, Texas Constitution, a state
21 agency, or a nonprofit water supply corporation created under
22 Chapter 67, Water Code.

23 Sec. 8804.002. NATURE OF DISTRICT. The district is a
24 groundwater conservation district in Val Verde County created under
25 Section 59, Article XVI, Texas Constitution.

26 Sec. 8804.003. DISTRICT PURPOSE. The district is created
27 to:

1 (1) provide for the protection, recharging, and
2 prevention of waste of groundwater in Val Verde County;

3 (2) control subsidence caused by the withdrawal of
4 water from the groundwater reservoirs in Val Verde County;

5 (3) regulate the transport of groundwater out of the
6 boundaries of the district;

7 (4) manage the issuance of permits for the transfer of
8 groundwater by requiring groundwater availability models of permit
9 applicants; and

10 (5) protect water quality.

11 [Sections 8804.004-8804.050 reserved for expansion]

12 SUBCHAPTER B. TERRITORY

13 Sec. 8804.051. BOUNDARIES. The boundaries of the district
14 are coextensive with the boundaries of Val Verde County, Texas.

15 [Sections 8804.052-8804.100 reserved for expansion]

16 SUBCHAPTER C. BOARD OF DIRECTORS

17 Sec. 8804.101. BOARD. The board consists of seven
18 directors.

19 Sec. 8804.102. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
20 PRECINCTS. (a) The directors of the district shall be elected
21 according to the commissioners precinct method as provided by this
22 section.

23 (b) Three directors shall be elected by the voters of the
24 entire district, and one director shall be elected from each county
25 commissioners precinct by the voters of that precinct.

26 (c) Except as provided by Subsection (e), to be eligible to
27 be a candidate for or to serve as director at large, a person must be

1 a registered voter in the district. To be a candidate for or to
2 serve as director from a county commissioners precinct, a person
3 must be a registered voter of that precinct.

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

6 (1) the precinct that the person seeks to represent;
7 or

8 (2) that the person seeks to represent the district at
9 large.

10 (e) When the boundaries of the county commissioners
11 precincts are redrawn after each federal decennial census to
12 reflect population changes, a director in office on the effective
13 date of the change, or a director elected or appointed before the
14 effective date of the change whose term of office begins on or after
15 the effective date of the change, shall serve in the precinct from
16 which elected or appointed even if the change in boundaries places
17 the person's residence outside the precinct from which the person
18 was elected or appointed.

19 Sec. 8804.103. 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 November of each even-numbered year.

23 Sec. 8804.104. TERMS. (a) Directors serve staggered
24 four-year terms.

25 (b) A director may serve for consecutive terms.

26 Sec. 8804.105. COMPENSATION. (a) A director is not
27 entitled to receive fees of office for performing the duties of a

1 director.

2 (b) The board may authorize a director to receive
3 reimbursement for the director's reasonable expenses incurred
4 while engaging in activities outside the district on behalf of the
5 board.

6 [Sections 8804.106-8804.150 reserved for expansion]

7 SUBCHAPTER D. POWERS AND DUTIES

8 Sec. 8804.151. POWERS AND DUTIES. Except as otherwise
9 provided by this chapter, the district has all of the rights,
10 powers, privileges, authority, functions, and duties provided by
11 the general law of this state, including Chapter 36, Water Code,
12 applicable to groundwater conservation districts created under
13 Section 59, Article XVI, Texas Constitution.

14 Sec. 8804.152. PERMIT TO TRANSFER GROUNDWATER. (a) The
15 district by rule shall:

16 (1) require a person to obtain a permit from the
17 district to transfer groundwater out of the district; and

18 (2) regulate the terms of a transfer of groundwater
19 out of the district.

20 (b) The district shall develop rules under this section that
21 are consistent with the requirements of Section 36.122, Water Code.

22 (c) The district shall use a groundwater availability
23 model, and not historical use, as the basis for issuing permits.

24 (d) A permit issued under this section, except for a permit
25 issued under Section 8804.153(a), does not establish historical
26 use.

27 (e) In the event of a conflict between the information

1 provided by the groundwater study conducted under Section 8804.161
2 and the recommendations submitted under Section 8804.164 regarding
3 the minimum flow requirements for any spring in the district, the
4 determination of the Texas Water Development Board study under
5 Section 8804.161 controls for purposes of development of rules
6 under this section.

7 Sec. 8804.153. PERMITS FOR USE SOLELY INSIDE DISTRICT. (a)
8 The district shall grant the City of Del Rio a permit in the city's
9 name that authorizes the city to pump from all city wells a stated
10 cumulative amount of not less than 15,000 acre-feet of water
11 annually for use solely inside the district. If the study performed
12 under Section 8804.162 finds that sufficient groundwater is
13 available, the district shall amend the city's permit to authorize
14 the city to pump from all city wells a stated cumulative amount of
15 not less than 20,000 acre-feet of water annually for use solely
16 inside the district. This subsection does not limit the City of Del
17 Rio's right to apply for or obtain a permit to transfer groundwater
18 under Section 8804.152.

19 (b) The district shall grant to a nonprofit rural water
20 supply corporation, water district, or other political subdivision
21 a permit that authorizes the water supply corporation, water
22 district, or other political subdivision to pump from its wells
23 annually a volume of water that is not less than the volume equal to
24 twice its greatest water usage in a calendar year before the date
25 the district is confirmed at an election held for that purpose, for
26 use solely inside the district.

27 Sec. 8804.154. AGRICULTURAL USE PERMIT. (a) Except as

1 provided by Section 8804.155, the district shall grant any
2 application for an agricultural use permit for any well that is used
3 solely for agricultural use inside the district. The district
4 shall issue an agricultural use permit in an amount that is not less
5 than five acre-feet of water per acre actually cultivated per year.
6 An agricultural use permit is nontransferable and expires on the
7 date the well ceases to be used solely for agricultural use inside
8 the district.

9 (b) This section does not limit the well owner's right to
10 apply for or obtain a permit to transfer groundwater under Section
11 8804.152.

12 Sec. 8804.155. LIMITATION ON WELL PERMIT REQUIREMENTS. (a)
13 The district may not require a person to obtain a permit from the
14 district for:

15 (1) a well used solely for domestic use or for
16 providing water for livestock or poultry on a tract of land smaller
17 than 10 acres that is either drilled, completed, or equipped so that
18 it is incapable of producing more than 30,000 gallons of
19 groundwater a day;

20 (2) a well used solely for domestic use or for
21 providing water for livestock or poultry on a tract of land 10 acres
22 or larger that is either drilled, completed, or equipped so that it
23 is incapable of producing more than 50,000 gallons of groundwater a
24 day; or

25 (3) any well in use before the date the district is
26 confirmed at an election held for that purpose and used solely for
27 agricultural use.

1 (b) The district shall require a permit for a well described
2 by Subsection (a)(3) that ceases to be used solely for agricultural
3 use. The district also may impose a fee on the well as provided by
4 Section 8804.202(c)(1)(A).

5 (c) An owner of a well described by this section shall
6 register the well with the district.

7 (d) A well owner is entitled to a permit exemption under
8 this section only if water from the well is used solely inside the
9 district. If water from a well is not used solely inside the
10 district, the well owner must obtain a permit.

11 Sec. 8804.156. REPLACEMENT WELL. (a) A new well that
12 replaces an abandoned or decommissioned well is subject to the same
13 permit requirements or exemption as the well it replaces if the
14 replacement well:

15 (1) is used solely for the same purposes as the well it
16 replaces; and

17 (2) serves the same area as the well it replaces.

18 (b) The district may not require a person who repairs or
19 modifies a well to obtain a permit for that well if the well:

20 (1) is exempt under Section 8804.155; and

21 (2) continues to be used solely for agricultural use.

22 Sec. 8804.157. PROHIBITION ON DISTRICT PURCHASE, SALE,
23 TRANSPORT, OR DISTRIBUTION OF WATER. The district may not
24 purchase, sell, transport, or distribute surface water or
25 groundwater for any purpose.

26 Sec. 8804.158. PROHIBITION ON DISTRICT USE OF EMINENT
27 DOMAIN. The district may not exercise the power of eminent domain.

1 Sec. 8804.159. REGIONAL COOPERATION. To provide for
2 regional continuity, the district shall:

3 (1) participate as needed in coordination meetings
4 with other groundwater conservation districts in its designated
5 management area;

6 (2) coordinate the collection of data with other
7 groundwater conservation districts in its designated management
8 area in such a way as to achieve relative uniformity of data type
9 and quality;

10 (3) coordinate efforts to monitor water quality with
11 other groundwater conservation districts in its designated
12 management area, local governments, and state agencies;

13 (4) provide groundwater level data to other
14 groundwater conservation districts in its designated management
15 area;

16 (5) investigate any groundwater or aquifer pollution
17 with the intention of locating its source;

18 (6) notify other groundwater conservation districts
19 in its designated management area and all appropriate agencies of
20 any groundwater pollution detected; and

21 (7) include other groundwater conservation districts
22 in its designated management area on the mailing lists for district
23 newsletters, seminars, public education events, news articles, and
24 field days.

25 Sec. 8804.160. WATER CONSERVATION INITIATIVE. The district
26 may create a water conservation initiative as described by Section
27 11.32, Tax Code.

1 Sec. 8804.161. TEXAS WATER DEVELOPMENT BOARD STUDY. At
2 least once every 10 years and at any other time the board considers
3 necessary to implement Section 8804.152, the staff of the Texas
4 Water Development Board shall make a complete study of the
5 groundwater in the district and determine:

- 6 (1) the water level;
7 (2) the rates and amounts of groundwater withdrawal;
8 (3) the rates and amounts by which the groundwater is
9 recharged;
10 (4) rainwater levels; and
11 (5) other information relating to the groundwater
12 availability of the aquifer.

13 Sec. 8804.162. LOCAL STUDY OF GROUNDWATER AVAILABILITY.

14 (a) Except as provided by Subsection (b), not later than the 10th
15 anniversary of the date on which the district is confirmed, the
16 district shall complete a study to determine whether there is
17 sufficient groundwater to amend the permit granted under Section
18 8804.153(a) to the City of Del Rio as authorized by Section
19 8804.153(a).

20 (b) In place of the district's study, the City of Del Rio may
21 perform a study of the groundwater availability in the district and
22 the board shall rely on the city's study if the city's study meets
23 the criteria of the Texas Water Development Board study required by
24 Section 8804.161 and the Texas Water Development Board study has
25 not been completed or is otherwise unavailable.

26 Sec. 8804.163. MORATORIUM ON TRANSFER PERMITS. (a) Except
27 as provided by Subsection (d), the district shall impose a

1 moratorium on the issuance of permits for the transfer of
2 groundwater during each period set aside to conduct and consider a
3 groundwater study under Section 8804.161.

4 (b) Except for the initial study, the district by rule shall
5 specify the length of the period set aside to conduct and consider
6 groundwater studies under Section 8804.161.

7 (c) The district may not issue a permit for the transfer of
8 groundwater until:

9 (1) an initial groundwater study under Section
10 8804.161 is completed and submitted to the district; and

11 (2) the spring flow and groundwater availability
12 advisory panel makes a determination under Section 8804.164 of the:

13 (A) flow of each spring in the district; and

14 (B) groundwater availability in the district.

15 (d) The board by emergency order may issue a permit during a
16 moratorium on the affirmative vote of at least five directors.

17 Sec. 8804.164. SPRING FLOW AND GROUNDWATER AVAILABILITY
18 ADVISORY PANEL. (a) Not later than the 90th day after the date on
19 which the first permanent directors are elected, the board shall
20 appoint a spring flow and groundwater availability advisory panel
21 to determine the minimum spring flow of each spring and the
22 groundwater availability in the district and recommend to the board
23 the maximum groundwater withdrawal rate that should be permitted by
24 the district to achieve or maintain at least those minimum flows and
25 that groundwater availability.

26 (b) The advisory panel shall be composed of the following
27 members:

1 (1) two members who represent the City of Del Rio;

2 (2) two members who represent agricultural interests
3 and each own a minimum of 5,000 acres of land in the district;

4 (3) two members who represent the interests of and are
5 riparian landowners in the district;

6 (4) one member who represents rural water suppliers;

7 (5) one member who represents environmental
8 interests; and

9 (6) one member who represents a water marketing group,
10 or, if the board is unable to locate a person to represent water
11 marketing, a member appointed by the board.

12 (c) The panel shall develop and submit to the board
13 recommendations for limitations on groundwater withdrawal rates
14 consistent with maintaining minimum spring flows and groundwater
15 availability. In developing the recommendations, the panel shall
16 consider:

17 (1) the results of the Texas Water Development Board
18 study required by Section 8804.161 and the findings of any other
19 study presented to the panel;

20 (2) the best available science;

21 (3) the water level;

22 (4) the rate and amount of groundwater withdrawal;

23 (5) the rate and amount of groundwater recharge;

24 (6) underflow from outside the district;

25 (7) information related to the availability of
26 groundwater in the district for withdrawal;

27 (8) spring discharge rates as a function of

1 groundwater withdrawal rates;

2 (9) historical data;

3 (10) drought period management; and

4 (11) other factors required to be considered by the
5 board.

6 (d) The district shall provide the panel with:

7 (1) any information the district has that is relevant
8 to the work and purpose of the panel; and

9 (2) any support necessary to determine spring flows
10 and groundwater availability in the district.

11 (e) The board shall review the recommendations submitted by
12 the advisory panel under Subsection (c) and shall consider them in
13 conjunction with other factors, including the present and future
14 needs for water related to water supply planning in Val Verde
15 County.

16 (f) The board may accept or reject the advisory panel's
17 recommendations, but the board may not change the determination of
18 the panel regarding the limitations on groundwater withdrawal rates
19 necessary to achieve or maintain at least the minimum spring flows
20 and groundwater availability.

21 [Sections 8804.165-8804.200 reserved for expansion]

22 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

23 Sec. 8804.201. LIMITATION ON TAXES. (a) The district may
24 not levy ad valorem taxes at a rate that exceeds five cents on each
25 \$100 of assessed valuation of taxable property in the district.

26 (b) The district may not levy ad valorem taxes at a rate that
27 exceeds 2-1/2 cents on each \$100 of assessed valuation of taxable

1 property in the district for the first two tax years after the
2 district's confirmation.

3 (c) Not later than the seventh anniversary of the date on
4 which the district is confirmed, the district shall maintain in
5 reserve at all times not less than six months and not more than two
6 years of operating capital. If the district's reserve operating
7 capital at any time exceeds the amount needed to operate the
8 district for two years, the district must:

9 (1) reduce taxes so as not to collect more revenue than
10 is needed to operate the district; or

11 (2) perform a recharge project with the excess
12 revenue.

13 Sec. 8804.202. FEES. (a) The board by rule may impose
14 reasonable fees on each well:

15 (1) for which a permit is issued by the district; and

16 (2) that is not exempt from district regulation.

17 (b) A production fee may be based on:

18 (1) the size of column pipe used by the well; or

19 (2) the amount of water actually withdrawn from the
20 well, or the amount authorized or anticipated to be withdrawn.

21 (c) The board shall base the initial production fee on the
22 criteria listed in Subsection (b)(2). The initial production fee:

23 (1) may not exceed:

24 (A) \$0.25 per acre-foot for water used for
25 agricultural irrigation; or

26 (B) \$0.0425 per thousand gallons for water used
27 for any other purpose; and

1 (2) may be increased at a cumulative rate not to exceed
2 three percent per year.

3 (d) In addition to the production fee authorized under this
4 section, the district may assess an export fee on groundwater from a
5 well that is produced for transport outside the district.

6 (e) Fees authorized by this section may be:

7 (1) assessed annually or monthly; and

8 (2) used to pay the cost of district operations.

9 Sec. 8804.203. EXEMPTION FROM FEES. (a) Except as provided
10 by Subsection (b), the district may not impose a fee on a well
11 drilled by a nonprofit rural water supply corporation, water
12 district, or other political subdivision if the well's production
13 is for use within the district.

14 (b) The district by emergency order of the board may impose
15 a reasonable and temporary production fee on a well described by
16 Subsection (a) if:

17 (1) at least five of the directors approve the
18 emergency order;

19 (2) severe drought or another district emergency makes
20 the fee necessary; and

21 (3) the term of the order does not exceed 180 days.

22 SECTION 5. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Not
23 later than the 45th day after the effective date of this Act:

24 (1) the Val Verde County Commissioners Court shall
25 appoint one temporary director from each of the four commissioners
26 precincts in the county to represent the precinct in which the
27 temporary director resides;

1 (2) the county judge of Val Verde County shall appoint
2 one temporary director who resides in the district to represent the
3 district at large; and

4 (3) the Del Rio City Council shall appoint two
5 temporary directors, each of whom resides in the district, to
6 represent the district at large.

7 (b) Of the temporary directors appointed under Subsections
8 (a)(1) and (2) of this section, at least one director must represent
9 rural water suppliers in the district, one must represent
10 agricultural interests in the district, one must represent
11 industrial interests in the district, and one must represent
12 municipal water suppliers.

13 (c) If there is a vacancy on the temporary board of
14 directors of the district, the authority who appointed the
15 temporary director whose position is vacant shall appoint a person
16 to fill the vacancy in a manner that meets the representational
17 requirements of this section.

18 (d) Temporary directors serve until the earliest of the
19 date:

20 (1) temporary directors become initial directors as
21 provided by Section 9 of this Act;

22 (2) the confirmation election under Section 8 of this
23 Act fails to pass; or

24 (3) this Act expires under Section 13.

25 SECTION 6. LIMITED POWERS AND DUTIES OF TEMPORARY BOARD OF
26 DIRECTORS. (a) The temporary board may only:

27 (1) hold an election under Section 8 of this Act;

- 1 (2) manage the day-to-day governance of the district;
2 (3) make administrative and nondiscretionary
3 decisions; and
4 (4) establish temporary fees under Section 36.206,
5 Water Code.

6 (b) The temporary board does not have rulemaking or
7 permitting authority.

8 (c) Any procedures, fees, or policies established by the
9 temporary board are subject to ratification by the permanent
10 directors elected under Section 10 of this Act.

11 SECTION 7. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS.
12 As soon as practicable after all the temporary directors have
13 qualified under Section 36.055, Water Code, a majority of the
14 temporary directors shall convene the organizational meeting of the
15 district at a location within the district agreeable to a majority
16 of the directors. If no location can be agreed upon, the
17 organizational meeting shall be at the Val Verde County Courthouse.

18 SECTION 8. CONFIRMATION ELECTION. (a) The temporary
19 directors shall hold an election to confirm the creation of the
20 district.

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

23 (c) Except as provided by this section, a confirmation
24 election must be conducted as provided by Sections 36.017(b)-(i),
25 Water Code, and the Election Code.

26 (d) The district may hold a subsequent confirmation
27 election if the previous confirmation election fails to pass. A

1 subsequent confirmation election may not be held sooner than one
2 year after the date of the previous confirmation election.

3 (e) The confirmation election ballot shall be printed to
4 permit voting for or against the proposition: "To create the Val
5 Verde County Groundwater Conservation District and to authorize the
6 district to impose an ad valorem tax at a rate not to exceed 2.5
7 cents for each \$100 valuation of all taxable property in the
8 district for the first two tax years after the district's
9 confirmation and at a rate not to exceed 5 cents for each \$100
10 valuation of all taxable property in the district after the second
11 tax year."

12 (f) If a majority of the voters voting at a confirmation
13 election under this section do not vote in favor of the ballot
14 proposition, the proposition fails and the temporary board is
15 dissolved. The authorities that appointed the temporary board may
16 agree to establish a new temporary board in the manner provided by
17 Section 5 of this Act. A person who served on the original or a
18 subsequent temporary board is eligible to serve on another
19 temporary board. Each temporary board has the duties and powers
20 provided by this section and Sections 6 and 7 of this Act.

21 (g) If the establishment of the district is not confirmed at
22 an election held under this section before September 1, 2010, the
23 district is dissolved, except that:

24 (1) any debts incurred shall be paid;

25 (2) any assets that remain after the payment of debts
26 shall be transferred to Val Verde County; and

27 (3) the organization of the district shall be

1 maintained until all debts are paid and remaining assets are
2 transferred.

3 SECTION 9. INITIAL DIRECTORS. (a) If creation of the
4 district is confirmed at an election held under Section 8 of this
5 Act, the temporary directors of the district become the initial
6 directors of the district and serve on the board of directors until
7 permanent directors are elected under Section 10 of this Act.

8 (b) The initial directors have the powers and duties of the
9 temporary directors under Sections 6(a)(2)-(4), (b), and (c) of
10 this Act, and shall hold an election for permanent directors under
11 Section 10 of this Act.

12 SECTION 10. ELECTION OF PERMANENT DIRECTORS. (a) The
13 initial directors serve until the first regularly scheduled
14 election of directors under Subsection (b) of this section.

15 (b) On the uniform election date prescribed by Section
16 41.001, Election Code, in November of the first even-numbered year
17 after the year in which the district is authorized to be created at
18 a confirmation election, an election shall be held in the district
19 for the election of seven directors. The elected directors shall
20 draw lots to determine which three directors shall serve terms
21 lasting until the first regularly scheduled election under Section
22 8804.103, Special District Local Laws Code, as added by this Act,
23 and which four shall serve until the second regularly scheduled
24 directors election.

25 SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

26 (a) The legal notice of the intention to introduce this Act,
27 setting forth the general substance of this Act, has been published

1 as provided by law, and the notice and a copy of this Act have been
2 furnished to all persons, agencies, officials, or entities to which
3 they are required to be furnished under Section 59, Article XVI,
4 Texas Constitution, and Chapter 313, Government Code.

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

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

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

15 SECTION 12. STUDY COMPLETION. Not later than the last day
16 of the 18th month after the month in which the district is confirmed
17 at an election held for that purpose, the Texas Water Development
18 Board shall complete the initial study required by Section
19 8804.161, Special District Local Laws Code, as added by this Act,
20 and deliver the findings of the study to the board.

21 SECTION 13. EXPIRATION. (a) If the creation of the
22 district is not confirmed at a confirmation election held under
23 Section 8 of this Act before September 1, 2010, this Act expires on
24 that date.

25 (b) The expiration of this Act does not affect the liability
26 of the district to pay any debt incurred or the transfer of any
27 assets remaining to Val Verde County as required by Section 8(g) of

1 this Act.

2 SECTION 14. EFFECTIVE DATE. This Act takes effect
3 immediately if it receives a vote of two-thirds of all the members
4 elected to each house, as provided by Section 39, Article III, Texas
5 Constitution. If this Act does not receive the vote necessary for
6 immediate effect, this Act takes effect September 1, 2005.