

By: Escobar

H.B. No. 3509

Substitute the following for H.B. No. 3509:

By: Puente

C.S.H.B. No. 3509

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 September 1, 2007:

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

except that:

(A) any debts incurred shall be paid;

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

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

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

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

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

[Sections 8816.006-8816.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8816.021. TEMPORARY DIRECTORS. (a) The temporary board consists of four directors who each represent a single-member district and one director who represents the district at large as follows:

(1) Teo Sanez;

(2) Franklin White;

(3) Bill Colston;

(4) Joseph Ruiz; and

(5) Edna Figueroa, at-large director.

(b) If there is a vacancy on the temporary board of directors of the district, the remaining temporary directors shall

1 select a qualified person to fill the vacancy. If, at any time,
2 there are fewer than three qualified temporary directors, the
3 Kleberg County Commissioners Court shall appoint the necessary
4 number of persons to fill all vacancies on the board.

5 (c) Temporary directors serve until the earlier of:

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

8 (2) the date this chapter expires under Section
9 8816.003.

10 Sec. 8816.022. CONFIRMATION ELECTION. (a) The temporary
11 board shall hold an election to confirm the creation of the
12 district.

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

15 (c) Except as provided by this section, a confirmation
16 election must be conducted as provided by Sections 36.017(b)-(i),
17 Water Code, and the Election Code. The provision of Section
18 36.017(d), Water Code, relating to the election of permanent
19 directors does not apply to a confirmation election under this
20 section.

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

26 (b) The directors for single-member districts one and three
27 serve until the first regularly scheduled election of directors

1 under Section 8816.024. The directors for single-member districts
2 two and four and the director at large serve until the second
3 regularly scheduled election of directors.

4 Sec. 8816.024. INITIAL ELECTION OF PERMANENT DIRECTORS. On
5 the uniform election date prescribed by Section 41.001, Election
6 Code, in May of the first even-numbered year after the year in which
7 the creation of the district is confirmed at an election held under
8 Section 8816.022, an election shall be held in the district for the
9 election of two directors to replace the initial directors who,
10 under Section 8816.023(b), serve until that election.

11 Sec. 8816.025. EXPIRATION OF SUBCHAPTER. This subchapter
12 expires September 1, 2010.

13 [Sections 8816.026-8816.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

27 (d) To be eligible to be a candidate for or to serve as

1 director at large, a person must be a registered voter in the
2 district. Except as provided by Subsection (f), to be a candidate
3 for or to serve as director from a single-member district, a person
4 must be a registered voter in the single-member district that the
5 person represents or seeks to represent.

6 (e) A person shall indicate on the application for a place
7 on the ballot:

8 (1) the single-member district that the person seeks
9 to represent; or

10 (2) that the person seeks to represent the district at
11 large.

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

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

[Sections 8816.054-8816.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

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.

(c) 3.60 acres, more of less, being part of Farm Lot 1, Block 5, 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

1 Company, as lessee, and recorded in Volume 37, Page 183, Deed
2 Records, Kleberg County, Texas.

3 (d) 23.40 acres, more of less, being part of Farm Lot
4 5, Block 5, Kleberg Town and Improvement Company Subdivision as
5 described in Oil, Gas and Mineral Lease dated September 26, 1933
6 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining
7 Company, as lessee, and recorded in Volume 37, Page 183, Deed
8 Records, Kleberg County, Texas.

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

15 (f) 23.83 acres, more of less, being part of Farm Lot
16 1, Block 12, Kleberg Town and Improvement Company Subdivision as
17 described in Oil, Gas and Mineral Lease dated September 26, 1933
18 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining
19 Company, as lessee, and recorded in Volume 37, Page 183, Deed
20 Records, Kleberg County, Texas.

21 (g) 111.53 acres, more or less, being part of Farm Lots
22 4,5 & 6, Block 19, Kleberg Town and Improvement Company Subdivision
23 as described in Oil, Gas and Mineral Lease dated September 26, 1933
24 between Caesar Kleberg, et al, as lessors and Humble Oil & Refining
25 Company, as lessee, and recorded in Volume 37, Page 183, Deed
26 Records, Kleberg County, Texas.

27 2. All of the Santa Gertrudis Grant, Miguel Gutierrez,

1 Original Grantee, Abstract 118, Kleberg County, Texas, Less &
2 Except:

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

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

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

17 4. All of King Addition Number 3 according to the map or plat
18 of said addition as said map or plat appears in Volume 1, Pages
19 28-29 of the Map Records of Kleberg County, Texas, Less & Except:

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

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

22 (c) 483.6 acres, more or less, out of Section Five (5)
23 of King Addition No. 3, being the same land described as Tract 5 in a
24 deed from Robert J. Kleberg & Company to King Ranch, Inc., dated
25 September 1, 1950, recorded in Volume 87, Page 582, Deed Records,
26 Kleberg County, Texas.

27 (d) All of the South one-half (S1/2) of Section

1 Sixteen (16) of King Addition No. 3.

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

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

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

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

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

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

27 (a) 835 acres, lying east of the H.M. King Survey No.

1 401, Abstract 146 and lying west of St. Louis, Brownsville and
2 Mexico Railroad Company Right-of-Way and as described in Oil, Gas
3 and Mineral Lease dated September 26, 1933 between Caesar Kleberg,
4 et al, as lessors and Humble Oil & Refining Company, as lessee, and
5 recorded in Volume 37, Page 183, Deed Records, Kleberg County,
6 Texas.

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

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

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

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

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

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

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

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

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