

By: Seaman

H.B. No. 3568

Substitute the following for H.B. No. 3568:

By: Puente

C.S.H.B. No. 3568

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the San Patricio County Groundwater Conservation District; providing authority to impose a tax.

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 8817 to read as follows:

CHAPTER 8817. SAN PATRICIO COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8817.001. 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 San Patricio County Groundwater Conservation District.

Sec. 8817.002. NATURE OF DISTRICT. The district is a groundwater conservation district in San Patricio County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8817.003. 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:

1                   (A) any debts incurred shall be paid;

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

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

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

8                   Sec. 8817.004. INITIAL DISTRICT TERRITORY. The initial  
9 boundaries of the district are coextensive with the boundaries of  
10 San Patricio County, Texas.

11                   Sec. 8817.005. APPLICABILITY OF OTHER GROUNDWATER  
12 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
13 chapter, Chapter 36, Water Code, applies to the district.

14                   Sec. 8817.006. CREATION OF AQUIFER STORAGE AND RECOVERY  
15 CONSERVATION DISTRICTS IN SAN PATRICIO COUNTY. (a) This chapter  
16 does not preclude the creation of an aquifer storage and recovery  
17 conservation district in San Patricio County.

18                   (b) The district may not limit or restrict an aquifer  
19 storage and recovery conservation district from recovering water  
20 stored by the aquifer storage and recovery conservation district in  
21 a municipal aquifer storage area located in the district.

22                   (c) To the extent that the boundaries of the aquifer storage  
23 and recovery conservation district and the district overlap, the  
24 power and authority of the two districts are joint and coextensive.

25                   [Sections 8817.007-8817.020 reserved for expansion]

26                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

27                   Sec. 8817.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 30th day after the effective date of the Act  
2 creating this chapter, the San Patricio County Commissioners Court  
3 shall appoint five temporary directors and enter the appointments  
4 in the minutes of the court.

5 (b) If a temporary director fails to qualify for office or  
6 if there is a vacancy on the temporary board of directors of the  
7 district, the county commissioners shall appoint a person to fill  
8 the vacancy.

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

10 (1) the time initial directors are elected as provided  
11 by Section 8817.022; or

12 (2) the date this chapter expires under Section  
13 8817.003.

14 Sec. 8817.022. CONFIRMATION AND INITIAL DIRECTORS'  
15 ELECTION. (a) The temporary directors shall hold an election to  
16 confirm the creation of the district and elect seven initial  
17 directors.

18 (b) At the confirmation and initial directors' election,  
19 the temporary directors shall have placed on the ballot the name of  
20 any candidate filing for an initial director's position and blank  
21 spaces to write in the names of other persons. A temporary director  
22 who is eligible to be a candidate may file for an initial director's  
23 position.

24 (c) Section 41.001(a), Election Code, does not apply to a  
25 confirmation election held as provided by this section.

26 (d) Except as provided by this section, a confirmation  
27 election must be conducted as provided by Sections 36.017(b)-(i),

1 Water Code, and the Election Code.

2 (e) If the district is confirmed at the election, the  
3 temporary directors, at the time the vote is canvassed, shall  
4 declare the qualified person who receives the most votes for each  
5 position to be elected as an initial director for that position and  
6 shall include the results of the initial directors' election in the  
7 district's election report to the Texas Commission on Environmental  
8 Quality.

9 Sec. 8817.023. FIRST ELECTION OF PERMANENT DIRECTORS. On  
10 the first uniform election date prescribed by Section 41.001,  
11 Election Code, in November of an even-numbered year that is at least  
12 six months after the date on which the district is authorized to be  
13 created at a confirmation election, an election shall be held in the  
14 district for the election of three permanent directors to serve a  
15 term expiring November 15 following the first election under  
16 Section 8817.052 and four permanent directors to serve a term  
17 expiring November 15 following the second election under that  
18 section.

19 Sec. 8817.024. EXPIRATION OF SUBCHAPTER. This subchapter  
20 expires September 1, 2010.

21 [Sections 8817.025-8817.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8817.051. DIRECTORS; TERMS. (a) The district is  
24 governed by a board of seven directors.

25 (b) Directors serve staggered four-year terms, with three  
26 or four directors' terms expiring November 15 of each even-numbered  
27 year.

1        (c) Newly elected permanent directors take office at the  
2 first regular meeting of the board after the vote is canvassed.

3        (d) The board shall adopt rules and procedures for the  
4 appointment of a permanent director to fill a vacancy or to complete  
5 an unexpired term.

6        Sec. 8817.052. ELECTION DATE. The district shall hold an  
7 election to elect the appropriate number of directors on the  
8 uniform election date prescribed by Section 41.001, Election Code,  
9 in November of each even-numbered year.

10        [Sections 8817.053–8817.100 reserved for expansion]

11                    SUBCHAPTER C. POWERS AND DUTIES

12        Sec. 8817.101. GENERAL POWERS AND DUTIES. Except as  
13 provided by Section 8817.006, the district has all of the rights,  
14 powers, privileges, authority, functions, and duties provided by  
15 the general law of this state, including Chapter 36, Water Code,  
16 applicable to groundwater conservation districts created under  
17 Section 59, Article XVI, Texas Constitution.

18        [Sections 8817.102–8817.150 reserved for expansion]

19                    SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20        Sec. 8817.151. LIMITATION ON TAXES. The district may not  
21 levy ad valorem taxes at a rate that exceeds five cents on each \$100  
22 of assessed valuation of taxable property in the district.

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