

1-1 By: Seaman (Senate Sponsor - Zaffirini) H.B. No. 3568
1-2 (In the Senate - Received from the House May 20, 2005;
1-3 May 20, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 23, 2005, sent to printer.)

1-6 HOUSE COMMITTEE SUBSTITUTE FOR H.B. NO. 3568 RECEIVED IN THE FORM OF
1-7 ENGROSSED RIDER IN LIEU OF A FULL ENGROSSMENT

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the San Patricio County Groundwater
1-11 Conservation District; providing authority to impose a tax.

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 8817 to read as follows:

1-15 CHAPTER 8817. SAN PATRICIO COUNTY GROUNDWATER

1-16 CONSERVATION DISTRICT

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8817.001. 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 San Patricio County
1-23 Groundwater Conservation District.

1-24 Sec. 8817.002. NATURE OF DISTRICT. The district is a
1-25 groundwater conservation district in San Patricio County created
1-26 under and essential to accomplish the purposes of Section 59,
1-27 Article XVI, Texas Constitution.

1-28 Sec. 8817.003. CONFIRMATION ELECTION REQUIRED. If the
1-29 creation of the district is not confirmed at a confirmation
1-30 election held before September 1, 2007:

1-31 (1) the district is dissolved on September 1, 2007,
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 San Patricio 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, 2010.

1-40 Sec. 8817.004. INITIAL DISTRICT TERRITORY. The initial
1-41 boundaries of the district are coextensive with the boundaries of
1-42 San Patricio County, Texas.

1-43 Sec. 8817.005. 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 Sec. 8817.006. CREATION OF AQUIFER STORAGE AND RECOVERY
1-47 CONSERVATION DISTRICTS IN SAN PATRICIO COUNTY. (a) This chapter
1-48 does not preclude the creation of an aquifer storage and recovery
1-49 conservation district in San Patricio County.

1-50 (b) The district may not limit or restrict an aquifer
1-51 storage and recovery conservation district from recovering water
1-52 stored by the aquifer storage and recovery conservation district in
1-53 a municipal aquifer storage area located in the district.

1-54 (c) To the extent that the boundaries of the aquifer storage
1-55 and recovery conservation district and the district overlap, the
1-56 power and authority of the two districts are joint and coextensive.

1-57 [Sections 8817.007-8817.020 reserved for expansion]

1-58 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-59 Sec. 8817.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
1-60 Not later than the 30th day after the effective date of the Act
1-61 creating this chapter, the San Patricio County Commissioners Court

shall appoint five temporary directors and enter the appointments in the minutes of the court.

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

(c) Temporary directors serve until the earlier of:
(1) the time initial directors are elected as provided by Section 8817.022; or

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

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

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

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

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

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

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

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

[Sections 8817.025-8817.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

Sec. 8817.052. 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.

[Sections 8817.053-8817.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

[Sections 8817.102-8817.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

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