

By: Estes

S.B. No. 1729

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of the Clay County Groundwater Conservation District; providing authority to impose a tax and issue bonds; providing penalties.

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

SECTION 1. DEFINITIONS. In this Act:

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

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

(3) "District" means the Clay County Groundwater Conservation District.

SECTION 2. CREATION. A groundwater conservation district, to be known as the Clay County Groundwater Conservation District, is created in Clay County, subject to approval at a confirmation election under Section 7 of this Act.

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

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

(c) All land and other property included in the district will benefit from the works and projects that are to be accomplished by the district under powers 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 8806 to read as follows:

4 CHAPTER 8806. CLAY COUNTY GROUNDWATER CONSERVATION DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 8806.001. DEFINITIONS. In this chapter

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 Clay County Groundwater  
11 Conservation District.

12 Sec. 8806.002. NATURE OF DISTRICT. The district is a  
13 groundwater conservation district in Clay County created under  
14 Section 59, Article XVI, Texas Constitution.

15 Sec. 8806.003. CONFIRMATION ELECTION REQUIRED. If the  
16 creation of the district is not confirmed at a confirmation  
17 election held before September 1, 2007, as provided in the Act  
18 creating this chapter, this chapter expires.

19 Sec. 8806.004. DISTRICT TERRITORY. The boundaries of the  
20 district are coextensive with the boundaries of Clay County, Texas.

21 [Sections 8806.005--8806.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8806.051. DIRECTORS; TERMS. (a) The district is  
24 governed by a board of five directors.

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

26 (c) A director may serve consecutive terms.

27 Sec. 8806.052. METHOD OF ELECTING DIRECTORS; COMMISSIONERS

1 PRECINCTS. (a) The directors of the district shall be elected  
2 according to the commissioners precinct method as provided by this  
3 section.

4 (b) One director shall be elected by the voters of the  
5 entire district, and one director shall be elected from each county  
6 commissioners precinct by the voters of that precinct.

7 (c) Except as provided by Subsection (e), to be eligible to  
8 be a candidate for or to serve as director at large, a person must be  
9 a registered voter in the district. To be a candidate for or to  
10 serve as director from a county commissioners precinct, a person  
11 must be a registered voter of that precinct.

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

14 (1) the precinct that the person seeks to represent;

15 or

16 (2) that the person seeks to represent the district at  
17 large.

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

1       Sec. 8806.053. ELECTION DATE. The district shall hold an  
2 election to elect the appropriate number of directors on the  
3 uniform election date prescribed by Section 41.001, Election Code,  
4 in May of each even-numbered year.

5       [Sections 8806.054--8806.100 reserved for expansion]

6                   SUBCHAPTER C. POWERS AND DUTIES

7       Sec. 8806.101. GENERAL POWERS AND DUTIES. The district has  
8 all of the rights, powers, privileges, authority, functions, and  
9 duties provided by the general law of this state, including Chapter  
10 36, Water Code, applicable to groundwater conservation districts  
11 created under Section 59, Article XVI, Texas Constitution,  
12 including the power to issue bonds and levy and collect taxes, not  
13 to exceed two cents on the \$100 valuation of taxable property in the  
14 district, upon approval of the voters at the confirmation election  
15 provided in Section 7 of this Act.

16       Sec. 8806.102. RESTRICTION ON POWERS. The district shall  
17 not impose any restriction, permit, or fee upon the rights, powers,  
18 and authority under the terms of the certificate of need granted to  
19 the Dean Dale Water Supply Corporation prior to the creation of the  
20 district.

21       SECTION 5. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On the  
22 effective date of this Act, the following persons are designated as  
23 temporary directors of the district:

- 24           (1) Precinct 1: Dusty Rhodes  
25           (2) Precinct 2: Tim Montz  
26           (3) Precinct 3: Leonard Phillips  
27           (4) Precinct 4: Keith Davis

1           (5) At large:     George Slagle

2           (b) If there is a vacancy on the temporary board of  
3 directors of the district, the remaining temporary directors shall  
4 appoint a person to fill the vacancy.

5           (c) Temporary directors serve until temporary directors  
6 become initial directors as provided by Section 8 of this Act or  
7 this Act expires under Section 11, whichever occurs earlier.

8           SECTION 6. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS.

9 As soon as practicable after all the temporary directors have  
10 qualified under Section 36.055, Water Code, a majority of the  
11 temporary directors shall convene the organizational meeting of the  
12 district at a location within the district agreeable to a majority  
13 of the directors. If no location can be agreed upon, the  
14 organizational meeting shall be at the Clay County Courthouse.

15           SECTION 7. CONFIRMATION ELECTION.     (a) The temporary

16 directors shall hold an election to confirm the creation of the  
17 district.

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

20           (c) Except as provided by this section, a confirmation  
21 election must be conducted as provided by Sections 36.017(b)-(i),  
22 Water Code, and the Election Code. The provision under Section  
23 1536.017(d), Water Code, relating to the election of permanent  
24 directors does not apply to a confirmation election under this  
25 section.

26           (d) If the establishment of the district is not confirmed at  
27 an election held under this section before September 1, 2007, the

1 district is dissolved, except that:

2 (1) any debts incurred shall be paid;

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

5 (3) the organization of the district shall be  
6 maintained until all debts are paid and remaining assets are  
7 transferred.

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

13 (b) The initial directors for county precincts 2 and 3 serve  
14 until the first regularly scheduled election of directors under  
15 Section 9 of this Act, and the initial directors for county  
16 precincts 1 and 4 and the initial director representing the  
17 district at large serve until the second regularly scheduled  
18 election of directors.

19 SECTION 9. ELECTION OF PERMANENT DIRECTORS. (a) On the  
20 uniform election date prescribed by Section 41.001, Election Code,  
21 in May of the first even-numbered year after the year in which the  
22 district is authorized to be created at a confirmation election, an  
23 election shall be held in the district for the election of two  
24 directors to replace the initial directors for county precincts 2  
25 and 3.

26 (b) on the uniform election date prescribed by Section  
27 41.001, Election Code, in May of each subsequent even-numbered

1 year, the appropriate number of directors shall be elected.

2 SECTION 10. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

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

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

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

19 SECTION 11. CONTINGENT EXPIRATION OF ACT. (a) If the  
20 creation of the district is not confirmed at a confirmation  
21 election held under Section 7 of this Act before September 1, 2007,  
22 this Act expires on that date.

23 (b) The expiration of this Act does not affect the liability  
24 of the district to pay any debt incurred or the transfer of any  
25 assets remaining to Clay County as required by Section 7(d) of this  
26 Act.

27 SECTION 12. EFFECTIVE DATE. This Act takes effect

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