

1-1 By: Armbrister S.B. No. 1797  
1-2 (In the Senate - Filed March 21, 2005; March 30, 2005, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 29, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 29, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1797 By: Armbrister

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

1-10 relating to the creation of the Victoria County Groundwater  
1-11 Conservation District; providing authority to impose a tax and  
1-12 issue bonds; abolishing the Crossroads Groundwater Conservation  
1-13 District.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subtitle H, Title 6, Special District Local Laws  
1-16 Code, is amended by adding Chapter 8812 to read as follows:

1-17 CHAPTER 8812. VICTORIA COUNTY GROUNDWATER

1-18 CONSERVATION DISTRICT

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 8812.001. DEFINITIONS. In this chapter:

1-21 (1) "Board" means the board of directors of the  
1-22 district.

1-23 (2) "Director" means a member of the board.

1-24 (3) "District" means the Victoria County Groundwater  
1-25 Conservation District.

1-26 Sec. 8812.002. NATURE OF DISTRICT. The district is a  
1-27 groundwater conservation district in Victoria County created under  
1-28 and essential to accomplish the purposes of Section 59, Article  
1-29 XVI, Texas Constitution.

1-30 Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. If the  
1-31 creation of the district is not confirmed at a confirmation  
1-32 election held before September 1, 2010:

1-33 (1) the district is dissolved on September 1, 2010,  
1-34 except that:

1-35 (A) any debts incurred shall be paid;

1-36 (B) any assets that remain after the payment of  
1-37 debts shall be transferred to Victoria County; and

1-38 (C) the organization of the district shall be  
1-39 maintained until all debts are paid and remaining assets are  
1-40 transferred; and

1-41 (2) this chapter expires on September 1, 2013.

1-42 Sec. 8812.004. INITIAL DISTRICT TERRITORY. The initial  
1-43 boundaries of the district are coextensive with the boundaries of  
1-44 Victoria County, Texas.

1-45 Sec. 8812.005. APPLICABILITY OF OTHER GROUNDWATER  
1-46 CONSERVATION DISTRICT LAW. Except as otherwise provided by this  
1-47 chapter, Chapter 36, Water Code, applies to the district.

1-48 [Sections 8812.006-8812.020 reserved for expansion]

1-49 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-50 Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS.

1-51 (a) Not later than the 10th day after September 1, 2005, the  
1-52 Victoria County Commissioners Court shall appoint five temporary  
1-53 directors as follows:

1-54 (1) one temporary director shall be appointed from  
1-55 each of the four commissioner precincts in the county to represent  
1-56 the precinct in which the temporary director resides; and

1-57 (2) one temporary director who resides in the district  
1-58 shall be appointed to represent the district at large.

1-59 (b) If there is a vacancy on the temporary board of  
1-60 directors of the district, the remaining temporary directors shall  
1-61 select a qualified person to fill the vacancy. If, at any time,  
1-62 there are fewer than three qualified temporary directors, the  
1-63 Victoria County Commissioners Court shall appoint the necessary

2-1 number of persons to fill all vacancies on the board.

2-2 (c) To be eligible to serve as a temporary director, a  
 2-3 person must be a resident of Victoria County and at least 18 years  
 2-4 of age.

2-5 (d) Temporary directors serve until the earlier of:

2-6 (1) the time the temporary directors become initial  
 2-7 directors as provided by Section 8812.024; or

2-8 (2) the date this chapter expires under Section  
 2-9 8812.003.

2-10 Sec. 8812.022. ORGANIZATIONAL MEETING OF TEMPORARY  
 2-11 DIRECTORS. As soon as practicable after all the temporary  
 2-12 directors have qualified under Section 36.055, Water Code, a  
 2-13 majority of the temporary directors shall convene the  
 2-14 organizational meeting of the district at a location within the  
 2-15 district agreeable to a majority of the directors. If an agreement  
 2-16 on location cannot be reached, the organizational meeting shall be  
 2-17 at the Victoria County Courthouse. At the meeting, the temporary  
 2-18 directors shall elect a chair, vice chair, and secretary from among  
 2-19 the temporary directors.

2-20 Sec. 8812.023. CONFIRMATION ELECTION. (a) Not later than  
 2-21 the 30th day after September 1, 2005, the temporary board shall  
 2-22 order an election to be held not later than the 120th day after  
 2-23 September 1, 2005, to confirm the creation of the district.

2-24 (b) Section 41.001(a), Election Code, does not apply to a  
 2-25 confirmation election held as provided by this section.

2-26 (c) The ballot for the election must be printed to permit  
 2-27 voting for or against the following proposition: "The creation of  
 2-28 the Victoria County Groundwater Conservation District and the  
 2-29 imposition of an ad valorem tax in the district at a rate not to  
 2-30 exceed two cents for each \$100 of assessed valuation."

2-31 (d) The temporary board may include any other proposition on  
 2-32 the ballot that it considers necessary.

2-33 (e) Except as provided by this section, a confirmation  
 2-34 election must be conducted as provided by Section 36.017(b)-(i),  
 2-35 Water Code, and the Election Code. The provision of Section  
 2-36 36.017(d), Water Code, relating to the election of permanent  
 2-37 directors does not apply to a confirmation election under this  
 2-38 section.

2-39 (f) If the creation of the district is not confirmed at a  
 2-40 confirmation election held under this section, the board may hold  
 2-41 another confirmation election not sooner than the first anniversary  
 2-42 of the most recent confirmation election.

2-43 Sec. 8812.024. INITIAL DIRECTORS. (a) If creation of the  
 2-44 district is confirmed at an election held under Section 8812.023,  
 2-45 the temporary directors of the district become the initial  
 2-46 directors of the district and serve on the board of directors until  
 2-47 permanent directors are elected under Section 8812.025.

2-48 (b) The directors for county commissioner precincts one and  
 2-49 three serve until the first regularly scheduled election of  
 2-50 directors under Section 8812.025. The directors for precincts two  
 2-51 and four and the director at large serve until the second regularly  
 2-52 scheduled election of directors under Section 8812.025.

2-53 Sec. 8812.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On  
 2-54 the uniform election date prescribed by Section 41.001, Election  
 2-55 Code, in November of the first even-numbered year after the year in  
 2-56 which the creation of the district is confirmed at an election held  
 2-57 under Section 8812.023, an election shall be held in the district  
 2-58 for the election of two directors to replace the initial directors  
 2-59 who, under Section 8812.024(b), serve until that election.

2-60 Sec. 8812.026. EXPIRATION OF SUBCHAPTER. This subchapter  
 2-61 expires September 1, 2013.

2-62 [Sections 8812.027-8812.050 reserved for expansion]

#### 2-63 SUBCHAPTER B. BOARD OF DIRECTORS

2-64 Sec. 8812.051. DIRECTORS; TERMS. (a) The district is  
 2-65 governed by a board of five directors.

2-66 (b) Directors serve staggered four-year terms.

2-67 Sec. 8812.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS  
 2-68 PRECINCTS. (a) The directors of the district shall be elected  
 2-69 according to the commissioners precinct method as provided by this

3-1 section.  
3-2 (b) One director shall be elected by the voters of the  
3-3 entire district, and one director shall be elected from each county  
3-4 commissioners precinct by the voters of that precinct.

3-5 (c) Except as provided by Subsection (e), to be eligible to  
3-6 be a candidate for or to serve as director at large, a person must be  
3-7 at least 18 years of age and a resident of the district. To be a  
3-8 candidate for or to serve as director from a county commissioners  
3-9 precinct, a person must be at least 18 years of age and a resident of  
3-10 that precinct.

3-11 (d) A person shall indicate on the application for a place  
3-12 on the ballot:

3-13 (1) the precinct that the person seeks to represent;  
3-14 or

3-15 (2) that the person seeks to represent the district at  
3-16 large.

3-17 (e) When the boundaries of the county commissioners  
3-18 precincts are redrawn after each federal decennial census to  
3-19 reflect population changes, a director in office on the effective  
3-20 date of the change, or a director elected or appointed before the  
3-21 effective date of the change whose term of office begins on or after  
3-22 the effective date of the change, shall serve in the precinct to  
3-23 which elected or appointed even though the change in boundaries  
3-24 places the person's residence outside the precinct for which the  
3-25 person was elected or appointed.

3-26 Sec. 8812.053. ELECTION DATE. The district shall hold an  
3-27 election to elect the appropriate number of directors on the  
3-28 uniform election date prescribed by Section 41.001, Election Code,  
3-29 in November of each even-numbered year.

3-30 Sec. 8812.054. VACANCIES. A vacancy on the board shall be  
3-31 filled by appointment of the board until the next regularly  
3-32 scheduled directors' election. The person appointed to fill the  
3-33 vacancy shall serve only for the remainder of the unexpired term.

3-34 [Sections 8812.055-8812.100 reserved for expansion]

3-35 SUBCHAPTER C. POWERS AND DUTIES

3-36 Sec. 8812.101. PROHIBITION ON DISTRICT USE OF EMINENT  
3-37 DOMAIN. The district may not exercise the power of eminent domain.

3-38 [Sections 8812.102-8812.150 reserved for expansion]

3-39 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-40 Sec. 8812.151. LIMITATION ON TAXES. The district may not  
3-41 impose ad valorem taxes at a rate that exceeds two cents on each  
3-42 \$100 of assessed valuation of taxable property in the district.

3-43 SECTION 2. Chapter 1332, Acts of the 77th Legislature,  
3-44 Regular Session, 2001, is repealed.

3-45 SECTION 3. (a) The legal notice of the intention to  
3-46 introduce this Act, setting forth the general substance of this  
3-47 Act, has been published as provided by law, and the notice and a  
3-48 copy of this Act have been furnished to all persons, agencies,  
3-49 officials, or entities to which they are required to be furnished  
3-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-51 Government Code.

3-52 (b) The governor has submitted the notice and Act to the  
3-53 Texas Commission on Environmental Quality.

3-54 (c) The Texas Commission on Environmental Quality has filed  
3-55 its recommendations relating to this Act with the governor,  
3-56 lieutenant governor, and speaker of the house of representatives  
3-57 within the required time.

3-58 (d) All requirements of the constitution and laws of this  
3-59 state and the rules and procedures of the legislature with respect  
3-60 to the notice, introduction, and passage of this Act are fulfilled  
3-61 and accomplished.

3-62 SECTION 4. This Act takes effect September 1, 2005.

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