AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Duval County Groundwater Conservation District.

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 8808 to read as follows:

CHAPTER 8808. DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8808.001. 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 Duval County Groundwater Conservation District.

Sec. 8808.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Duval County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8808.003. 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 Duval 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. 8808.004. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Duval County, Texas.

Sec. 8808.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

[Sections 8808.006-8808.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8808.021. APPOINTMENT OF TEMPORARY DIRECTORS.

(a) Not later than the 45th day after the effective date of this chapter, five temporary directors shall be appointed as follows:

(1) the Duval County Commissioners Court shall appoint four temporary directors, with one of the temporary directors appointed from each of the four commissioners precincts in the county to represent the precinct in which the temporary director resides; and

(2) the county judge of Duval County shall appoint one temporary director who resides in the district to represent the district at large.

(b) If there is a vacancy on the temporary board of
directors of the district, the remaining temporary directors shall
appoint a person to fill the vacancy in a manner that meets the
representational requirements of this section.

(c) Temporary directors serve until the earlier of:

(1) the time the temporary directors become initial
directors as provided by Section 8808.024; or

(2) the date this chapter expires under Section
8808.003.

Sec. 8808.022. ORGANIZATIONAL MEETING OF TEMPORARY
DIRECTORS. As soon as practicable after all the temporary
directors have qualified under Section 36.055, Water Code, a
majority of the temporary directors shall convene the
organizational meeting of the district at a location within the
district agreeable to a majority of the directors. If an agreement
on location cannot be reached, the organizational meeting shall be
at the Duval County Courthouse.

Sec. 8808.023. CONFIRMATION ELECTION. (a) The temporary
directors shall hold an election to confirm the creation of the
district.

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

(c) 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. The provision of Section
36.017(d), Water Code, relating to the election of permanent
directors does not apply to a confirmation election under this
section.
Sec. 8808.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under Section 8808.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8808.025.

(b) The initial directors for county precincts 2 and 3 serve a term expiring June 1 following the first regularly scheduled election of directors under Section 8808.025, and the initial directors for county precincts 1 and 4 serve a term expiring June 1 following the second regularly scheduled election of directors. The at-large director shall serve a term expiring June 1 following the second regularly scheduled election of directors.

Sec. 8808.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of two directors to replace the initial directors who, under Section 8808.024(b), serve a term expiring June 1 following that election.

Sec. 8808.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2010.

[Sections 8808.027-8808.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8808.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms, with two or
three directors' terms expiring June 1 of each even-numbered year.

(c) A director may serve consecutive terms.

Sec. 8808.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

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

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

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

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

or

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

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

Sec. 8808.053. 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 May of each even-numbered year.

Sec. 8808.054. COMPENSATION. (a) Sections 36.060(a), (b), and (d), Water Code, do not apply to the district.

(b) A director is entitled to receive compensation of not more than $50 a day for each day the director actually spends performing the duties of a director. The compensation may not exceed $3,000 a year.

(c) The board may authorize a director to receive reimbursement for the director's reasonable expenses incurred while engaging in activities on behalf of the board.

[Sections 8808.055–8808.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8808.101. COURT-APPOINTED RECEIVER. The district may serve as the court-appointed receiver in a matter determined by a court concerning the disposition of assets of any other district authorized by Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, including a municipal utility district or a water control and improvement district in Duval County.

Sec. 8808.102. POWER TO CONTRACT WITH MUNICIPAL UTILITY DISTRICTS. The district may enter into a contract with a municipal utility district in Duval County to assume the functions of the
municipal utility district. A contract under this section may include provisions for the district's:

(1) assumption of the debts, liabilities, and obligations of the municipal utility district;

(2) ownership or use of the assets and facilities of the municipal utility district; and

(3) performance of the functions and services previously provided by the municipal utility district.

Sec. 8808.103. RELATION TO OTHER WATER-RELATED ENTITIES.

(a) To the extent that a rule of the district conflicts with a rule of a water control and improvement district, the rule of the water control and improvement district controls.

(b) To the extent that a rule of the district conflicts with a rule of a municipal utility district, the rule of the municipal utility district controls.

(c) Notwithstanding Subsections (a) and (b), to the extent that a rule of the district concerning groundwater conflicts with a rule of a water control and improvement district or a municipal utility district whose territory is located wholly or partly in the district's territory, the rule of the district controls.

[Sections 8808.104-8808.150 reserved for expansion]

SUBCHAPTER D. MERGER WITH WATER CONTROL AND IMPROVEMENT DISTRICT

Sec. 8808.151. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Commission on Environmental Quality.

(2) "Directors" means the board of directors of a water control and improvement district.
Sec. 8808.152. AUTHORITY FOR AGREEMENT FOR MERGER; PROVISIONS. (a) Subject to Sections 8808.153, 8808.154, and 8808.155, the district may enter into a merger agreement with a water control and improvement district in Duval County.

(b) The merger agreement must include provisions for:

(1) the district's assumption of the debts, liabilities, and obligations of the water control and improvement district;

(2) the district's assumption of the ownership of the assets and facilities of the water control and improvement district;

(3) the assignment to the district of the certificate of public convenience and necessity obtained by the water control and improvement district under Subchapter G, Chapter 13, Water Code, and any right obtained under the certificate;

(4) the district's performance of the functions and services previously provided by the water control and improvement district; and

(5) the dissolution of the water control and improvement district.

Sec. 8808.153. BOARD AND DIRECTORS APPROVAL OF MERGER AGREEMENT. Before an election to confirm a proposed merger agreement described by Section 8808.152 may be held, the board and the directors must each approve the proposed merger agreement in accordance with the laws, rules, and procedures applicable to the district and the water control and improvement district.

Sec. 8808.154. COMMISSION DETERMINATION OF DISTRICT
CAPABILITY FOR SERVICE. Before an election to confirm a proposed merger agreement described by Section 8808.152 may be held, the commission must determine that the district is capable of rendering adequate and continuous service as required by Section 13.251, Water Code.

Sec. 8808.155. ELECTION TO CONFIRM MERGER AGREEMENT.
(a) Before a proposed merger agreement described by Section 8808.152 may take effect, the board shall hold an election to confirm the agreement.

(b) The election must be held on the first authorized uniform election date after the board and the directors approve the proposed merger agreement that allows sufficient time for the board to comply with all applicable provisions of the Election Code.

Sec. 8808.156. BALLOTS FOR ELECTION. The ballot for an election under Section 8808.155 shall read as follows:

"By voting YES on this ballot, you are voting in favor of the proposed merger agreement between the (name of water control and improvement district) and the Duval County Groundwater Conservation District under which the debts, liabilities, obligations, assets, and facilities of (name of water control and improvement district) are to be transferred to the district, the district is to perform the functions and services previously provided by the (name of water control and improvement district), and the (name of water control and improvement district) is to be dissolved. By voting NO on this ballot, you are voting against the proposed merger agreement."

Sec. 8808.157. ELECTION RESULTS FOR MERGER WITH WATER
CONTROL AND IMPROVEMENT DISTRICT. (a) If a majority of the voters voting in an election under Section 8808.155 both in the area of the water control and improvement district and in the territory of the district outside that area vote in favor of the ballot proposition, the proposed merger agreement takes effect.

(b) If a majority of the voters voting in an election under Section 8808.155 either in the area of the water control and improvement district or in the territory of the district outside that area do not vote in favor of the ballot proposition:

(1) the proposed merger agreement does not take effect; and

(2) the board may not hold a subsequent election to confirm a proposed merger agreement between the same water control and improvement district and the district before the first anniversary of the election date.

Sec. 8808.158. FILING REQUIREMENT. If a proposed merger agreement is confirmed at an election under Section 8808.155, not later than the 15th day after the date of the election the board shall file with the commission and in the deed records of Duval County a copy of:

(1) the merger agreement;

(2) the resolutions or other actions taken by the board and the directors approving the merger agreement under Section 8808.153; and

(3) the election results.

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.
President of the Senate                  Speaker of the House
I hereby certify that S.B. No. 1847 passed the Senate on
May 3, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate
I hereby certify that S.B. No. 1847 passed the House on
May 20, 2005, by the following vote: Yeas 139, Nays 0, two
present not voting.

Chief Clerk of the House

Approved:

______________________________
Date

______________________________
Governor