

By: Rose

H.B. No. 4088

A BILL TO BE ENTITLED

AN ACT

relating to the Plum Creek Conservation District.

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

SECTION 1. Chapter 126, Acts of the 55th Legislature, Regular Session, 1957, is amended by adding Sections 10A, 10B, and 10C to read as follows:

Sec. 10A. AMENDMENTS TO LAW GOVERNING DISTRICT BOUNDARIES, BOARD OF DIRECTORS, POWERS, AND TAXATION. (a) Subsections (c), (d), and (i) of this section are subject to ratification by the voters of the district at an election held under Section 10B of this Act.

(b) In this section and in Sections 10B and 10C of this Act:

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

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

(3) "District" means the Plum Creek Conservation District.

(c) In addition to the portions of Caldwell and Hays Counties included in the boundaries of the district on August 31, 2007, the boundaries of the district include all the remaining territory in Caldwell County.

(d) The district is governed by a board of seven directors elected or appointed as provided by Sections 10B(a) and 10C of this Act.

1 (e) Not later than September 10, 2007, the commissioners
2 courts of Caldwell and Hays Counties shall appoint seven temporary
3 directors of the district as provided by Subsections (f) and (g) of
4 this section to serve terms that expire January 1, 2009.

5 (f) The Commissioners Court of Caldwell County shall
6 appoint five temporary directors as follows:

7 (1) one director to represent the entire part of the
8 county that is in the district as enlarged under Subsection (c) of
9 this section; and

10 (2) four directors, with each director representing
11 one of the four county commissioners precincts to the extent the
12 precinct is in the district as enlarged under Subsection (c) of this
13 section.

14 (g) The Commissioners Court of Hays County shall appoint two
15 temporary directors as follows:

16 (1) one director to represent the part of the district
17 that is in the city of Kyle; and

18 (2) one director to represent the part of the district
19 that is in Hays County but not in the city of Kyle.

20 (h) A temporary director must reside in the area the
21 director is appointed to represent.

22 (i) The district may not impose an ad valorem tax for flood
23 control purposes at a rate that exceeds \$0.017 per \$100 of valuation
24 of taxable property in the district.

25 Sec. 10B. RATIFICATION ELECTION. (a) The temporary
26 directors appointed under Section 10A(e) of this Act shall order an
27 election to be held in the district as enlarged by Section 10A(c) of

1 this Act on the uniform election date in November 2007 to ratify the
2 following proposition:

3 (1) the enlargement of the district as provided by
4 Section 10A(c) of this Act;

5 (2) the governance of the district by a board
6 consisting of seven directors, with six directors elected from
7 single-member voting districts as provided by Section 10C of this
8 Act and Subsection (e) of this section and one director appointed by
9 the Commissioners Court of Caldwell County; and

10 (3) the limitation on the rate of ad valorem taxation
11 for flood control purposes as provided by Section 10A(i) of this
12 Act.

13 (b) To take effect, the proposition described by Subsection
14 (a) of this section must be approved by a majority of the voters
15 voting at the election held by the district under that subsection.

16 (c) The ballot for the election under Subsection (a) of this
17 section must read as follows:

18 "By voting YES on this ballot, you are voting in favor of all
19 three of the following propositions with regard to the territory,
20 directors, and powers of the Plum Creek Conservation District:

21 "(1) the enlargement of the Plum Creek Conservation
22 District to include that part of Caldwell County not already in the
23 district;

24 "(2) the governance of the Plum Creek Conservation
25 District by a board consisting of seven directors, with six
26 directors elected from single-member voting districts and one
27 director appointed by the Commissioners Court of Caldwell County;

1 and

2 "(3) the limitation of the Plum Creek Conservation
3 District's rate of ad valorem taxation for flood control purposes
4 to a rate not to exceed \$0.017 per \$100 of valuation of taxable
5 property in the district.

6 "By voting NO on this ballot, you are voting against all three
7 of the propositions listed above."

8 (d) If a majority of the voters approve the ballot
9 proposition, the proposition is ratified and the boundaries of the
10 district are enlarged as provided by Section 10A(c) of this Act. A
11 copy of the metes and bounds description of the enlarged district
12 must be filed with the Texas Commission on Environmental Quality
13 and in the deed records of Caldwell and Hays Counties. The enlarged
14 boundaries supersede the description of the boundaries contained in
15 Section 3, Chapter 126, Acts of the 55th Legislature, Regular
16 Session, 1957.

17 (e) If a majority of the voters approve the ballot
18 proposition, the temporary board, in conjunction with the
19 Commissioners Court of Hays County, the Commissioners Court of
20 Caldwell County, the secretary of state, and the United States
21 Department of Justice, shall divide the district into six
22 single-member voting districts, with four single-member voting
23 districts in Caldwell County and two single-member voting districts
24 in Hays County. The boundaries of the single-member districts must
25 be established in time to apply to an election of directors on the
26 uniform election date in November 2008.

27 (f) If a majority of the voters approve the ballot

1 proposition, the limitation on the rate of ad valorem taxation for
2 flood control purposes as provided by Section 10A(i) of this Act
3 takes effect January 1, 2008.

4 (g) If a majority of the voters approve the ballot
5 proposition, each provision listed in Subsections (a)(1) through
6 (3) of this section supersedes Chapter 126, Acts of the 55th
7 Legislature, Regular Session, 1957, as that chapter existed before
8 the effective date of the Act enacting this section, to the extent
9 of any conflict or inconsistency.

10 Sec. 10C. ELECTION OF DIRECTORS. (a) This section is
11 effective only if a majority of the voters approve the ballot
12 proposition under Section 10B of this Act.

13 (b) At the general election in November 2008, the temporary
14 directors appointed under Section 10A of this Act shall place on the
15 ballot the name of each candidate filing for a position as a
16 director to represent one of the single-member districts
17 established under Section 10B(e) of this Act.

18 (c) The candidate who receives the largest number of votes
19 in each of the single-member districts is elected to the board.

20 (d) The directors elected under Subsection (c) of this
21 section shall draw lots to determine which:

22 (1) two of the directors elected from Caldwell County
23 serve until January 1, 2011;

24 (2) one of the directors elected from Hays County
25 serves until January 1, 2011;

26 (3) two of the directors elected from Caldwell County
27 serve until January 1, 2013; and

1 (4) one of the directors elected from Hays County
2 serves until January 1, 2013.

3 (e) The director appointed by the Caldwell County
4 Commissioners Court shall serve a term expiring January 1, 2013.

5 (f) Except for the initially elected directors, directors
6 serve staggered terms of four years, with the terms of three or four
7 directors expiring January 1 of each odd-numbered year.

8 (g) The appropriate number of directors shall be elected on
9 the uniform date for elections in November of each even-numbered
10 year.

11 (h) A director holding an elective position must reside in
12 the area the director is elected or appointed to represent.

13 (i) The board may revise the single-member districts as
14 necessary or appropriate. The board shall revise each
15 single-member district after each federal decennial census to
16 reflect population changes. When the boundaries of the
17 single-member districts are changed, a director in office on the
18 effective date of the change, or elected or appointed before the
19 effective date of the change to a term of office beginning on or
20 after the effective date of the change, is entitled to serve the
21 term or remainder of the term in the single-member district to which
22 elected or appointed even though the change in boundaries places
23 the person's residence outside the single-member district for which
24 the person was elected or appointed.

25 SECTION 2. The terms of the members of the Plum Creek
26 Conservation District board of directors serving on the effective
27 date of this Act expire when a majority of the temporary directors

1 appointed under Section 10A(e), Chapter 126, Acts of the 55th
2 Legislature, Regular Session, 1957, as added by this Act, have
3 qualified to serve.

4 SECTION 3. If the ballot proposition under Section 10B,
5 Chapter 126, Acts of the 55th Legislature, Regular Session, 1957,
6 as added by this Act, is not approved by a majority of the voters
7 voting in an election held for that purpose:

8 (1) notwithstanding Section 10A(e), Chapter 126, Acts
9 of the 55th Legislature, Regular Session, 1957, as added by this
10 Act, the temporary directors appointed under that section continue
11 to serve until the commissioners courts of Hays and Caldwell
12 Counties appoint six directors in the manner provided by Section 4,
13 Chapter 126, Acts of the 55th Legislature, Regular Session, 1957;

14 (2) Sections 10A(c), (d), and (i), Chapter 126, Acts
15 of the 55th Legislature, Regular Session, 1957, as added by this
16 Act, do not take effect; and

17 (3) Sections 10A, 10B, and 10C, Chapter 126, Acts of
18 the 55th Legislature, Regular Session, 1957, as added by this Act,
19 expire September 1, 2009.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.