

By: Zaffirini

S.B. No. 404

A BILL TO BE ENTITLED

AN ACT

relating to the Bee 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 8804 to read as follows:

CHAPTER 8804. BEE GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8804.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Bee Groundwater Conservation District.

Sec. 8804.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Bee County created under Section 59, Article XVI, Texas Constitution.

Sec. 8804.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All land and other property in the district will benefit from the works and projects accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8804.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Bee County, except

1 for:

2 (1) the area in the municipal boundaries of the city of  
3 Beeville as the boundaries existed on January 1, 1997;

4 (2) the area in the boundaries of the Pettus Municipal  
5 Utility District as the boundaries existed on January 1, 1997; and

6 (3) the Tynan Water Corporation's service area on  
7 January 1, 1997.

8 Sec. 8804.005. CONSTRUCTION OF CHAPTER. This chapter shall  
9 be liberally construed to achieve the legislative intent and  
10 purposes of Chapter 36, Water Code. A power granted by Chapter 36,  
11 Water Code, or this chapter shall be broadly interpreted to achieve  
12 that intent and those purposes.

13 [Sections 8804.006-8804.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8804.051. GOVERNING BODY; TERMS. (a) The district is  
16 governed by a board of seven directors.

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

19 (c) A director may serve consecutive terms.

20 Sec. 8804.052. ELIGIBILITY TO SERVE. (a) A person must  
21 own land in the district to serve as a director.

22 (b) A person may not serve as a director if the person holds  
23 another public office.

24 Sec. 8804.053. METHOD OF ELECTING DIRECTORS: SINGLE-MEMBER  
25 DISTRICTS. (a) The board shall draw seven numbered single-member  
26 districts for electing directors. The board may revise the  
27 districts as necessary or appropriate.

1       (b) The board shall provide for one director to be elected  
2 from each single-member district. A director elected from a  
3 single-member district represents the residents of that  
4 single-member district.

5       Sec. 8804.054. ELECTION DATE. The district shall hold an  
6 election in the district to elect directors on the uniform election  
7 date in May of each odd-numbered year.

8       [Sections 8804.055-8804.100 reserved for expansion]

9                   SUBCHAPTER C. POWERS AND DUTIES

10       Sec. 8804.101. GROUNDWATER CONSERVATION DISTRICT POWERS  
11 AND DUTIES. The district has the rights, powers, privileges,  
12 functions, and duties provided by general law applicable to  
13 groundwater conservation districts, including Chapter 36, Water  
14 Code.

15       [Sections 8804.102-8804.150 reserved for expansion]

16                   SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17       Sec. 8804.151. AD VALOREM TAXES. The district may not  
18 impose an ad valorem tax at a rate that exceeds five cents on the  
19 \$100 valuation of taxable property in the district.

20       SECTION 2. (a) The following actions of the Bee  
21 Groundwater Conservation District are validated and confirmed in  
22 all respects as if the actions had been done as authorized by law:

23               (1) all acts and proceedings of the district taken  
24 before the effective date of this Act; and

25               (2) the election or appointment of directors of the  
26 board of the district who took office before the effective date of  
27 this Act.

1           (b) A governmental act or proceeding of the Bee Groundwater  
2 Conservation District occurring after an act or proceeding  
3 validated by this Act may not be held invalid on the ground that the  
4 prior act or proceeding, in the absence of this Act, was invalid.

5           (c) This section does not apply to any matter that on the  
6 effective date of this Act:

7                 (1) is involved in litigation if the litigation  
8 ultimately results in the matter being held invalid by a final  
9 judgment of a court of competent jurisdiction; or

10                (2) has been held invalid by a final judgment of a  
11 court of competent jurisdiction.

12           SECTION 3. Chapter 678, Acts of the 75th Legislature,  
13 Regular Session, 1997, is repealed.

14           SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2007.