A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads 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 8812 to read as follows:

CHAPTER 8812. VICTORIA COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8812.001. 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 Victoria County Groundwater Conservation District.

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

Sec. 8812.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2010:
(1) the district is dissolved on September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Victoria 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, 2013.

Sec. 8812.004. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Victoria County, Texas.

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

[Sections 8812.006-8812.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8812.021. APPOINTMENT OF TEMPORARY DIRECTORS.

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

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

(2) one temporary director who resides in the district shall be appointed 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
select a qualified person to fill the vacancy. If, at any time,
there are fewer than three qualified temporary directors, the
Victoria County Commissioners Court shall appoint the necessary
number of persons to fill all vacancies on the board.

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

(d) Temporary directors serve until the earlier of:

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

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

Sec. 8812.022. 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 Victoria County Courthouse. At the meeting, the temporary
directors shall elect a chair, vice chair, and secretary from among
the temporary directors.

Sec. 8812.023. CONFIRMATION ELECTION. (a) Not later than
the 30th day after September 1, 2005, the temporary board shall
order an election to be held not later than the 120th day after
September 1, 2005, 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) The ballot for the election must be printed to permit voting for or against the following proposition: "The creation of the Victoria County Groundwater Conservation District and the imposition of an ad valorem tax in the district at a rate not to exceed two cents for each $100 of assessed valuation."

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

(e) Except as provided by this section, a confirmation election must be conducted as provided by Section 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.

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

Sec. 8812.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under Section 8812.023, 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 8812.025.

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

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

Sec. 8812.026. EXPIRATION OF SUBCHAPTER. This subchapter
expires September 1, 2013.

[Sections 8812.027-8812.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

(b) Directors serve staggered four-year terms.

Sec. 8812.052. 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
at least 18 years of age and a resident of the district. To be a
candidate for or to serve as director from a county commissioners
precinct, a person must be at least 18 years of age and a resident 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. 8812.053. 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 November of each even-numbered year.

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

[Sections 8812.055-8812.100 reserved for expansion]
SUBCHAPTER C. POWERS AND DUTIES

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

[Sections 8812.102-8812.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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


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