

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Kenedy County Groundwater
4 Conservation District.

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

6 SECTION 1. DEFINITIONS. In this Act:

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

9 (2) "District" means the Kenedy County Groundwater
10 Conservation District.

11 SECTION 2. CREATION. (a) A groundwater conservation
12 district, to be known as the Kenedy County Groundwater Conservation
13 District, is created in Kenedy County, subject to approval at a
14 confirmation election under Section 10 of this Act.

15 (b) The district is a governmental agency and a political
16 subdivision of this state.

17 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
18 district is created to serve a public use and benefit.

19 (b) The district is created under and is essential to
20 accomplish the purposes of Section 59, Article XVI, Texas
21 Constitution.

22 (c) All of the land and other property included within the
23 boundaries of the district will be benefited by the works and
24 projects that are to be accomplished by the district under powers

1 conferred by Section 59, Article XVI, Texas Constitution.

2 SECTION 4. BOUNDARIES. The boundaries of the district are
3 coextensive with Kenedy County, Texas, and also include the
4 following separate tracts:

5 (a) A tract of land known as the Laureles Ranch containing
6 255,026.53 acres, more or less, in Kleberg and Nueces Counties,
7 Texas, being more particularly described in an oil, gas, and
8 mineral lease from the Executors and Trustees under the will of Mrs.
9 Henrietta M. King, deceased, to Humble Oil & Refining Company dated
10 September 26, 1933, recorded in Volume 20, page 1-13, of the Oil and
11 Gas Lease Records of Nueces County, Texas, and Volume 37, pages
12 183-189, of the Deed Records of Kleberg County, Texas, said tract
13 having been described as Item First in said lease to which reference
14 is here made for a complete description thereof;

15 (b) A tract of land known as the Santa Gertrudis Ranch
16 containing 203,468.13 acres, more or less, in Kleberg, Jim Wells,
17 and Brooks Counties, Texas, and composed of two parcels as follows:

18 (1) A parcel of land containing 173,028.90 acres,
19 more or less, in Kleberg, Jim Wells, and Brooks Counties, being more
20 particularly described in an oil, gas, and mineral lease from the
21 Executors and Trustees under the will of Mrs. Henrietta M. King,
22 deceased, to Humble Oil & Refining Company dated September 26,
23 1933, recorded in Volume 20, pages 1-13, of the Oil and Gas Lease
24 Records of Nueces County, Texas, and Volume 37, pages 183-189, of
25 the Deed Records of Kleberg County, Texas, said tract having been
26 described as Item Second in said lease to which reference is here
27 made for a complete description thereof; and

1 (2) A parcel of land containing 30,439.23 acres, more
2 or less, in Kleberg and Jim Wells Counties, Texas, being more
3 particularly described in an oil, gas, and mineral lease from Alice
4 G.K. Kleberg to Humble Oil & Refining Company dated September 26,
5 1933, recorded in Volume 37, page 200-206, of the Deed Records of
6 Kleberg County, Texas, and in Volume 50, page 166-172, of the Deed
7 Records of Jim Wells County, Texas, to which reference is here made
8 for a complete description thereof; and

9 (c) ALL of Farm Lots Twelve (12) and Thirteen (13), in Block
10 or Section Number Nine (9), of the Kleberg Town and Improvement
11 Company's Subdivision in Kleberg County, Texas or 74.62 acres more
12 or less, AND BEING the same property conveyed to John B. Armstrong
13 and Henrietta L. Armstrong, Trustees by Deed executed by Bessie Y.
14 Larkin, et al, dated June 10, 1964, and filed for recorded in the
15 Office of the County Clerk of Kleberg County, Texas, Volume 183,
16 Pages 524-527; and

17 (d) Lot 3 of Survey 283, A-124, of C.B.& C.N.G.R.R. Co.
18 according to Mrs. H. M. King Second Subdivision of Rivera Farm
19 Lands, containing 77.89 acres of land, more or less, and being the
20 same tract of land that was conveyed to King Ranch by J. F. McCullar
21 by deed dated November 2, 1943, recorded in Vol. 61, page 90 of the
22 Deed Records of Kleberg County, Texas.

23 (e) The tract of land described in Subsection (a) of this
24 section does not include the 1999.96 acre tract of land described in
25 Volume 1386, Pages 193-205, Nueces County Deed Records.

26 (f) The legislature finds that the boundaries and field
27 notes of the district form a closure.

1 SECTION 5. APPLICABILITY OF OTHER LAW. This Act prevails
2 over any provision of general law that is in conflict or
3 inconsistent with this Act.

4 SECTION 6. BOARD OF DIRECTORS. (a) The district is
5 governed by a board of five directors.

6 (b) Temporary directors serve until initial directors are
7 elected under Section 10 of this Act.

8 (c) Two of the initial directors serve until the first
9 election of permanent directors under Section 11 of this Act. Three
10 of the initial directors serve until the second election of
11 permanent directors under Section 11 of this Act.

12 (d) Permanent directors serve staggered four-year terms.

13 (e) Each director must qualify to serve as director in the
14 manner provided by Section 36.055, Water Code.

15 (f) A director serves until the director's successor has
16 qualified.

17 SECTION 7. COMPENSATION OF DIRECTORS. A director is not
18 entitled to fees of office but is entitled to reimbursement of
19 actual expenses reasonably and necessarily incurred while engaging
20 in activities on behalf of the district.

21 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
22 consists of five members appointed by the Commissioners Court of
23 Kenedy County.

24 (b) If a temporary director fails to qualify for office, the
25 Commissioners Court of Kenedy County shall appoint a person to fill
26 the vacancy.

27 SECTION 9. METHOD OF ELECTING DIRECTORS: COMMISSIONERS

1 PRECINCTS. (a) The directors of the district shall be elected
2 according to the commissioners precinct method as provided by this
3 section.

4 (b) One director shall be elected by the voters of the Santa
5 Gertrudis Independent School District, and one director shall be
6 elected from each Kenedy County commissioners precinct by the
7 voters of that precinct.

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

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

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

16 or

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

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

1 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

2 (a) The temporary board shall call and hold an election to confirm
3 establishment of the district and to elect initial directors.

4 (b) At the confirmation and initial directors' election,
5 the temporary board shall have placed on the ballot the name of any
6 candidate filing for an initial director's position and blank
7 spaces to write in the names of other persons. A temporary director
8 who is eligible to be a candidate under Section 9 may file for an
9 initial director's position.

10 (c) The initial directors elected shall draw lots to decide
11 which two shall serve terms lasting until replacement directors are
12 elected at the first regularly scheduled election of directors
13 under Section 11 of this Act and which three shall serve until the
14 second regularly scheduled election of directors.

15 (d) Section 41.001(a), Election Code, does not apply to a
16 confirmation and initial directors' election held as provided by
17 this section.

18 (e) Except as provided by this section, a confirmation and
19 initial directors' election must be conducted as provided by
20 Sections 36.017(b)-(i), Water Code, and the Election Code.

21 SECTION 11. ELECTION OF DIRECTORS. (a) On the first

22 Saturday in May of the first even-numbered year after the year in
23 which the district is authorized to be created at a confirmation
24 election, an election shall be held in the district for the election
25 of two directors to replace the two initial directors serving
26 shorter terms from the confirmation election.

27 (b) On the first Saturday in May of each subsequent

1 even-numbered year following the election, the appropriate number
2 of directors shall be elected.

3 SECTION 12. GENERAL POWERS. The district has all of the
4 rights, powers, privileges, authority, functions, and duties
5 provided by the general law of this state, including Chapter 36,
6 Water Code, applicable to groundwater conservation districts
7 created under Section 59, Article XVI, Texas Constitution.

8 SECTION 13. TAX RATE. The district may levy a tax to pay any
9 part of bonds or notes issued by the district at a rate not to exceed
10 20 cents on each \$100 of assessed valuation.

11 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

12 (a) The legal notice of the intention to introduce this Act,
13 setting forth the general substance of this Act, has been published
14 as provided by law, and the notice and a copy of this Act have been
15 furnished to all persons, agencies, officials, or entities to which
16 they are required to be furnished under Section 59, Article XVI,
17 Texas Constitution, and Chapter 313, Government Code. The
18 governor, one of the required recipients, has submitted the notice
19 and Act to the Texas Commission on Environmental Quality.

20 (b) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the governor,
22 lieutenant governor, and speaker of the house of representatives
23 within the required time.

24 (c) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act are fulfilled
27 and accomplished.

1 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
2 takes effect September 1, 2003.

3 (b) If the creation of the district is not confirmed at a
4 confirmation election held under Section 10 of this Act before
5 September 1, 2005, this Act expires on that date.

President of the Senate

Speaker of the House

I certify that H.B. No. 3374 was passed by the House on May 2, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 3374 on May 29, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3374 was passed by the Senate, with amendments, on May 27, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor