

By: Lucio

S.B. No. 25

A BILL TO BE ENTITLED

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AN ACT

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

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

SECTION 1. DEFINITIONS. In this Act:

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

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

SECTION 2. CREATION. (a) A groundwater conservation district, to be known as the Kenedy County Groundwater Conservation District, is created in Kenedy County, subject to approval at a confirmation election under Section 9 of this Act.

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

SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

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

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and 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 the boundaries of Kenedy County, Texas.

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

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

9 (b) Temporary directors serve until initial directors are  
10 elected under Section 9 of this Act.

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

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

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

18 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board  
19 consists of:

- 20 (1) \_\_\_\_\_;
- 21 (2) \_\_\_\_\_;
- 22 (3) \_\_\_\_\_;
- 23 (4) \_\_\_\_\_; and
- 24 (5) \_\_\_\_\_.

25 (b) If a temporary director fails to qualify for office, the  
26 temporary directors who have qualified shall appoint a person to  
27 fill the vacancy. If at any time there are fewer than three

1 qualified temporary directors, the Texas Commission on  
2 Environmental Quality shall appoint the necessary number of persons  
3 to fill all vacancies on the temporary board.

4 SECTION 8. METHOD OF ELECTING DIRECTORS: COMMISSIONERS  
5 PRECINCTS. (a) The directors of the district shall be elected  
6 according to the commissioners precinct method as provided by this  
7 section.

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

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

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

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

19 or

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

22 (e) When the boundaries of the county commissioners  
23 precincts are redrawn after each federal decennial census to  
24 reflect population changes, a director in office on the effective  
25 date of the change, or a director elected or appointed before the  
26 effective date of the change whose term of office begins on or after  
27 the effective date of the change, shall serve in the precinct to

1 which elected or appointed even though the change in boundaries  
2 places the person's residence outside the precinct for which the  
3 person was elected or appointed.

4 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

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

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

24 SECTION 10. ELECTION OF DIRECTORS. (a) On the first  
25 Saturday in May of the first even-numbered year after the year in  
26 which the district is authorized to be created at a confirmation  
27 election, an election shall be held in the district for the election

1 of two directors to replace the two initial directors serving  
2 shorter terms from the confirmation election.

3 (b) On the first Saturday in May of each subsequent  
4 even-numbered year following the election, the appropriate number  
5 of directors shall be elected.

6 SECTION 11. GENERAL POWERS. The district has all of the  
7 rights, powers, privileges, authority, functions, and duties  
8 provided by the general law of this state, including Chapter 36,  
9 Water Code, applicable to groundwater conservation districts  
10 created under Section 59, Article XVI, Texas Constitution.

11 SECTION 12. 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 13.   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 9 of this Act before  
5 September 1, 2005, this Act expires on that date.