

1-1 By: Lucio S.B. No. 25
1-2 (In the Senate - Filed April 16, 2003; April 22, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 May 5, 2003, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; May 5, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation, administration, powers, duties,
1-9 operation, and financing of the Kenedy County Groundwater
1-10 Conservation District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. DEFINITIONS. In this Act:

1-13 (1) "Board" means the board of directors of the
1-14 district.

1-15 (2) "District" means the Kenedy County Groundwater
1-16 Conservation District.

1-17 SECTION 2. CREATION. (a) A groundwater conservation
1-18 district, to be known as the Kenedy County Groundwater Conservation
1-19 District, is created in Kenedy County, subject to approval at a
1-20 confirmation election under Section 9 of this Act.

1-21 (b) The district is a governmental agency and a political
1-22 subdivision of this state.

1-23 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-24 (a) The district is created to serve a public use and benefit.

1-25 (b) The district is created under and is essential to
1-26 accomplish the purposes of Section 59, Article XVI, Texas
1-27 Constitution.

1-28 (c) All of the land and other property included within the
1-29 boundaries of the district will be benefited by the works and
1-30 projects that are to be accomplished by the district under powers
1-31 conferred by Section 59, Article XVI, Texas Constitution.

1-32 SECTION 4. BOUNDARIES. The boundaries of the district are
1-33 coextensive with the boundaries of Kenedy County, Texas.

1-34 SECTION 5. APPLICABILITY OF OTHER LAW. This Act prevails
1-35 over any provision of general law that is in conflict or
1-36 inconsistent with this Act.

1-37 SECTION 6. BOARD OF DIRECTORS. (a) The district is
1-38 governed by a board of five directors.

1-39 (b) Temporary directors serve until initial directors are
1-40 elected under Section 9 of this Act.

1-41 (c) Two of the initial directors serve until the first
1-42 election of permanent directors under Section 10 of this Act. Three
1-43 of the initial directors serve until the second election of
1-44 permanent directors under Section 10 of this Act.

1-45 (d) Permanent directors serve staggered four-year terms.

1-46 (e) Each director must qualify to serve as director in the
1-47 manner provided by Section 36.055, Water Code.

1-48 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board
1-49 consists of:

- 1-50 (1) _____;
1-51 (2) _____;
1-52 (3) _____;
1-53 (4) _____; and
1-54 (5) _____.

1-55 (b) If a temporary director fails to qualify for office, the
1-56 temporary directors who have qualified shall appoint a person to
1-57 fill the vacancy. If at any time there are fewer than three
1-58 qualified temporary directors, the Texas Commission on
1-59 Environmental Quality shall appoint the necessary number of persons
1-60 to fill all vacancies on the temporary board.

1-61 SECTION 8. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
1-62 PRECINCTS. (a) The directors of the district shall be elected
1-63 according to the commissioners precinct method as provided by this
1-64 section.

2-1 (b) One director shall be elected by the voters of the
2-2 entire district, and one director shall be elected from each county
2-3 commissioners precinct by the voters of that precinct.

2-4 (c) Except as provided by Subsection (e) of this section, to
2-5 be eligible to be a candidate for or to serve as director at large, a
2-6 person must be a registered voter in the district. To be a
2-7 candidate for or to serve as director from a county commissioners
2-8 precinct, a person must be a registered voter of that precinct.

2-9 (d) A person shall indicate on the application for a place
2-10 on the ballot:

2-11 (1) the precinct that the person seeks to represent;
2-12 or

2-13 (2) that the person seeks to represent the district at
2-14 large.

2-15 (e) When the boundaries of the county commissioners
2-16 precincts are redrawn after each federal decennial census to
2-17 reflect population changes, a director in office on the effective
2-18 date of the change, or a director elected or appointed before the
2-19 effective date of the change whose term of office begins on or after
2-20 the effective date of the change, shall serve in the precinct to
2-21 which elected or appointed even though the change in boundaries
2-22 places the person's residence outside the precinct for which the
2-23 person was elected or appointed.

2-24 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

2-25 (a) The temporary board shall call and hold an election to confirm
2-26 establishment of the district and to elect initial directors.

2-27 (b) At the confirmation and initial directors' election,
2-28 the temporary board shall have placed on the ballot the name of any
2-29 candidate filing for an initial director's position and blank
2-30 spaces to write in the names of other persons. A temporary director
2-31 who is eligible to be a candidate under Section 8 may file for an
2-32 initial director's position.

2-33 (c) The initial directors elected shall draw lots to decide
2-34 which two shall serve terms lasting until replacement directors are
2-35 elected at the first regularly scheduled election of directors
2-36 under Section 10 of this Act and which three shall serve until the
2-37 second regularly scheduled election of directors.

2-38 (d) Section 41.001(a), Election Code, does not apply to a
2-39 confirmation and initial directors' election held as provided by
2-40 this section.

2-41 (e) Except as provided by this section, a confirmation and
2-42 initial directors' election must be conducted as provided by
2-43 Sections 36.017(b)-(i), Water Code, and the Election Code.

2-44 SECTION 10. ELECTION OF DIRECTORS. (a) On the first

2-45 Saturday in May of the first even-numbered year after the year in
2-46 which the district is authorized to be created at a confirmation
2-47 election, an election shall be held in the district for the election
2-48 of two directors to replace the two initial directors serving
2-49 shorter terms from the confirmation election.

2-50 (b) On the first Saturday in May of each subsequent
2-51 even-numbered year following the election, the appropriate number
2-52 of directors shall be elected.

2-53 SECTION 11. GENERAL POWERS. The district has all of the
2-54 rights, powers, privileges, authority, functions, and duties
2-55 provided by the general law of this state, including Chapter 36,
2-56 Water Code, applicable to groundwater conservation districts
2-57 created under Section 59, Article XVI, Texas Constitution.

2-58 SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

2-59 (a) The legal notice of the intention to introduce this Act,
2-60 setting forth the general substance of this Act, has been published
2-61 as provided by law, and the notice and a copy of this Act have been
2-62 furnished to all persons, agencies, officials, or entities to which
2-63 they are required to be furnished under Section 59, Article XVI,
2-64 Texas Constitution, and Chapter 313, Government Code. The
2-65 governor, one of the required recipients, has submitted the notice
2-66 and Act to the Texas Commission on Environmental Quality.

2-67 (b) The Texas Commission on Environmental Quality has filed
2-68 its recommendations relating to this Act with the governor,
2-69 lieutenant governor, and speaker of the house of representatives

3-1 within the required time.

3-2 (c) All requirements of the constitution and laws of this
3-3 state and the rules and procedures of the legislature with respect
3-4 to the notice, introduction, and passage of this Act are fulfilled
3-5 and accomplished.

3-6 SECTION 13. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
3-7 takes effect September 1, 2003.

3-8 (b) If the creation of the district is not confirmed at a
3-9 confirmation election held under Section 9 of this Act before
3-10 September 1, 2005, this Act expires on that date.

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