

## **BILL ANALYSIS**

C.S.S.B. 2570  
By: Lucio  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Kenedy County Groundwater Conservation District (district) was created in 2003 through the enactment of Chapters 1152 (relating to the creation, administration, powers, duties, operation, and financing of the Kenedy County Groundwater Conservation District) and 1162 (relating to the creation, administration, powers, duties, operation, and financing of the Kenedy County Groundwater Conservation District), Acts of the 78th Legislature, Regular Session, and encompasses all of Kenedy County and parts of Kleberg County. Since 2003, the district has expanded to include portions of Brooks, Hidalgo, Jim Wells, Nueces, and Willacy counties.

Currently, the district is governed by a five-member board; four members elected from Kenedy County Commissioners precincts and one elected from the boundaries of the Santa Gertudis School District. As a result of expansion beyond Kenedy and Kleberg counties, the election boundaries of the five-member board need to be adjusted to accurately represent the current district boundaries.

C.S.S.B. 2570 amends current law relating to the board of directors of the district.

### **RULEMAKING AUTHORITY**

It is the Committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Chapter 1152, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 9A, as follows:

Sec. 9A. METHOD OF ELECTING DIRECTORS: SINGLE-MEMBER DISTRICTS.

(a) Requires the board of directors of the Kenedy County Groundwater Conservation District, as soon as practicable after the effective date of this Act, to divide the district into five single-member districts for electing directors; and assign each of the existing board positions to one of the new single-member districts.

(b) Provides that in dividing the district into single-member districts, the board must take into account the existing at-large board position elected by the voters of the Santa Gertrudis Independent School District; and draw the single-member districts in a manner that retains the existing district lines as closely as possible.

(c) Provides that if the district annexes territory, the annexed territory becomes part of one or more of the single-member districts as determined by the board.

(d) Requires one director to be elected from each single-member district.

(e) Requires a person, to be a candidate for or to serve as a director, to be a registered voter in the single-member district the person represents or seeks to represent.

(f) Requires a person to indicate on the application for a place on the ballot the single-member district the person seeks to represent.

(g) Authorizes the board, after each federal decennial census or as needed, to redraw the single-member districts to reflect population changes. Requires a director in office on the effective date of a change in the boundaries of a single-member district, 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, to serve for the remainder of the director's term in the single-member district to which elected or appointed even though the change in boundaries places the director's residence outside the district to which the director was elected or appointed.

SECTION 2. Amends Chapter 1162, Acts of the 78th Legislature, Regular Session, 2003, by adding Section 8A, as follows:

Sec. 8A. METHOD OF ELECTING DIRECTORS: SINGLE-MEMBER DISTRICTS.

(a) Requires the board, as soon as practicable after the effective date of this Act, to divide the district into five single-member districts for electing directors, and assign each of the existing board positions to one of the new single-member districts.

(b) Provides that in dividing the district into single-member districts, the board must take into account the existing at-large board position elected by the voters of the Santa Gertrudis Independent School District; and draw the single-member districts in a manner that retains the existing district lines as closely as possible.

(c) Provides that if the district annexes territory, the annexed territory becomes part of one or more of the single-member districts as determined by the board.

(d) Requires one director to be elected from each single-member district.

(e) Requires a person, to be a candidate for or to serve as a director, to be a registered voter in the single-member district the person represents or seeks to represent.

(f) Requires a person to indicate on the application for a place on the ballot the single-member district the person seeks to represent.

(g) Requires the board, after each federal decennial census or as needed, to redraw the single-member districts to reflect population changes. Requires a director in office on the effective date of a change in the boundaries of a single-member district, 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, to serve for the remainder of the director's term in the single-member district to which elected or appointed even though the change in boundaries places the director's residence outside the district to which the director was elected or appointed.

SECTION 3. Repeals Section 9 (Method of Electing Directors; Commissioners Precincts), Chapter 1152 (relating to the creation, administration, powers, duties, operation, and financing of the Kenedy County Groundwater Conservation District), Acts of the 78th Legislature, Regular Session, 2003.

Repeals Section 8 (Method of Electing Directors; Commissioners Precincts), Chapter 1162 (relating to the creation, administration, powers, duties, operation, and financing of the Kenedy County Groundwater Conservation District), Acts of the 78th Legislature, Regular Session, 2003.

SECTION 4. (a) Makes application of this Act prospective.

(b) Provides that the change in law made by this Act does not affect the term of office of a director serving on the board of directors of the district on the effective date of this Act.

SECTION 5. Provides the effective date of this Act.

### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.S.B. 2570 adds a subsection (b) not in the original to both Sec. 9A and Sec. 8A which provides that in dividing the district into single-member districts, the board must take into account the existing at-large board position elected by the voters of the Santa Gertrudis Independent School District; and draw the single-member districts in a manner that retains the existing district lines as closely as possible. Makes other nonsubstantive changes in the renumbering of the Sections to include the subsections (b).