

## **BILL ANALYSIS**

S.B. 1492  
By: Uresti  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Real-Edwards Conservation and Reclamation District (district) was created by H.B. 447 in the 56th Legislature in 1959 to provide for the conservation, preservation, protection, and prevention of waste of the groundwater in the district.

The district's nine-member board of directors (board) is currently elected at large within the boundaries of the district, which is composed of the counties of Edwards and Real. The board as well as the commissioners courts of both counties believe that it is in the best interest of the citizens of both counties to ensure near equal representation on the district board from both counties.

The proposed legislation would restrict candidacy to four seats from Edwards County, four seats from Real County, and one seat elected at large from either county. Although candidacy would be restricted, all voters would vote on all seats.

As proposed, S.B. 1492 amends current law relating to the election of directors of the Real-Edwards Conservation and Reclamation District.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Section 11, Chapter 341, Acts of the 56th Legislature, Regular Session, 1959, as follows:

Sec. 11. (a) Requires the government and control of the Real-Edwards Conservation and Reclamation District (district) to be vested in a board of directors (board) consisting of nine members. Provides that directors serve staggered four-year terms expiring on January 1 of odd-numbered years.

(b) Requires the district to hold an election on the uniform election date in November of each even-numbered year to elect the appropriate number of directors.

Deletes existing text requiring an election to be held in the district on the first Tuesday after the first Monday in November in each even-numbered year within the district for the selection of directors to succeed those whose terms expire on said date. Deletes existing text requiring such election to be held in such voting boxes as are designated by the board of directors, and notice of such election to be given by the Secretary of the board by posting in three public places within the district a copy of the order of the board directing the time and places of holding the election. Deletes existing text requiring that no person be selected a director unless he be above the age of twenty-one years and a resident within the territorial limits of the district.

(b-1) Requires an applicant to be a candidate for election as a director to indicate on the application either the position number of the district that the person seeks to represent, or that the person seeks to run at large.

(b-2) Requires a person, to be eligible to be a candidate for director position number 1, 3, 5, or 7, to be a registered voter in Edwards County.

(b-3) Requires a person, to be eligible to be a candidate for director position number 2, 4, 6, or 8, to be a registered voter in Real County.

(b-4) Requires a person, to be eligible to be a candidate for the at-large position, to be a registered voter in the district.

(c) Requires any vacancy occurring in the membership of the board to be filled by the remaining members of the board for the unexpired term of such office.

(d) Requires each member of the board, before entering upon the duties of office, to take the constitutional oath of office.

SECTION 2. (a) Requires a member of the board the district serving on the effective date of this Act to continue in office until the member's successor qualifies for office.

(b) Requires four directors, at the election held November 6, 2012, to be elected from positions 1, 2, 3, and 4.

(c) Requires four directors, at the election held November 4, 2014, to be elected from position numbers 5, 6, 7, and 8 and one director elected at large.

SECTION 3. Provides for 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, 2011.