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
conferred by Section 59, Article XVI, Texas Constitution.

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

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

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

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

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

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

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

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

(1) __________________;

(2) __________________;

(3) __________________;

(4) __________________; and

(5) __________________.

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

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

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

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

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

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

or

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

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, 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, shall serve in the precinct to.
which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

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

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

SECTION 10. ELECTION OF DIRECTORS. (a) On the first Saturday in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election
of two directors to replace the two initial directors serving shorter terms from the confirmation election.

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

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

SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

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

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.
SECTION 13. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act takes effect September 1, 2003.
(b) If the creation of the district is not confirmed at a confirmation election held under Section 9 of this Act before September 1, 2005, this Act expires on that date.

David Dewhurst
President of the Senate

Jim Caffik
Speaker of the House

I hereby certify that S.B. No. 25 passed the Senate on May 13, 2003, by the following vote: Yeas 31, Nays 0.

Robert Haney
Secretary of the Senate

I hereby certify that S.B. No. 25 passed the House on May 28, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

Approved:

20 JUN 03

Rick Perry
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
8:30 PM O'CLOCK

JUN 2 0 2003

Lynn Amler
Secretary of State