

BILL ANALYSIS

Senate Research Center
79R1517 QS-D

S.B. 1839
By: Lucio
Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Texas allows for the creation of groundwater conservation districts empowered to develop plans and methods to conserve water supplies. A portion of Kleberg County was included in a groundwater district (district) created by 78th Legislature, but other portions of the county are not included in such a district.

As proposed, S.B. 1839 creates a new district composed of the remaining portion of Kleberg County. It also gives the district the power to develop and implement aquifer storage and recovery projects.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8816, as follows:

CHAPTER 8816. KLEBERG COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8816.001. DEFINITIONS. Defines "board," "director," and "district."

Sec. 8816.002. NATURE OF DISTRICT. Provides that the Kleberg County Groundwater Conservation District (district) is a groundwater conservation district in Kleberg County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8816.003. CONFIRMATION ELECTION REQUIRED. Provides that if the creation of the district is not confirmed at a confirmation election held before September 1, 2007, the district is dissolved on September 1, 2007, except for certain purposes, and this chapter expires on September 1, 2010.

Sec. 8816.004. INITIAL DISTRICT TERRITORY. Provides that the district is initially composed of the territory described by Section 2 of the Act creating this chapter.

Sec. 8816.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Provides that except as otherwise provided by this chapter, Chapter 36 (Groundwater Conservation Districts), Water Code, applies to the district.

[Reserves Sections 8816.006-8816.020 for expansion.]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8816.021. TEMPORARY DIRECTORS. Requires the temporary board of directors to consist of four directors who each represent a single-member district and one

director who represents the district at large. Requires the remaining temporary directors to select a qualified person to fill the vacancy, if there is a vacancy on the temporary board of directors (board) of the district. Requires the Kleberg County Commissioners Court to appoint the necessary number of persons to fill all vacancies on the board, if at any time there are fewer than three qualified temporary directors. Sets forth the terms of temporary directors.

Sec. 8816.022. CONFIRMATION ELECTION. Requires the temporary directors to hold an election to confirm the creation of the district. Provides that Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section. Requires a confirmation election to be conducted as provided by Sections 36.017(b)-(i), Water Code, and the Election Code, except as provided by this section. Provides that the provision of Section 36.017(d), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

Sec. 8816.023. INITIAL DIRECTORS. Provides that if creation of the district is confirmed at an election held under Section 8816.022, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8816.024. Sets forth terms for the initial directors and the at-large director.

Sec. 8816.024. INITIAL ELECTION OF PERMANENT DIRECTORS. Requires an election to be held in the district for the election of two directors to replace the initial directors who, under Section 8816.023(b), serve a term expiring June 1 following that election, on a specific election date.

Sec. 8816.025. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2010.

[Reserves Sections 8816.026-8816.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8816.051. DIRECTORS; TERMS. Provides that the district is governed by a board of five directors who serve staggered four-year terms.

Sec. 8816.052. METHOD OF ELECTING DIRECTORS: SINGLE-MEMBER DISTRICTS. (a) Requires the directors of the district to be elected according to the single-member district method as provided by this section.

(b) Requires the district to be divided into four numbered single-member districts.

(c) Requires one director to be elected by the voters of the entire district, and one to be elected from each single-member district by the voters of that district.

(d) Requires a person to be a registered voter in the district to be eligible for candidacy for the director at large. Requires a person to be a registered voter in the single-member district that the person represents or seeks to represent to be a candidate for or to serve as director from a single-member district, except as provided in Subsection (f).

(e) Requires a person to indicate specific information on the application for a place on the ballot.

(f) Authorizes the board to revise the single-member districts as necessary or appropriate. Requires the board to revise single-member districts after each federal decennial census to reflect population changes. Provides that a director in office on the effective date of the change of the boundaries is entitled to serve the term or remainder of the term in the single-member district to which elected or

appointed even though the change places the person's residence outside the single-member district for which the person was elected or appointed.

Sec. 8816.053. ELECTION DATE. Requires the district to hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in May of each even-numbered year.

SECTION 2. Sets forth the territory initially contained in the district.

SECTION 3. Provides that 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 4. Effective date: September 1, 2005.