

CHAPTER 453

H.B. No. 2817

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Presidio County Underground Water Conservation District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Presidio County Underground Water Conservation District, is created in Presidio County, subject to approval at a confirmation election under Section 7 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the Presidio County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with Presidio County.

SECTION 4. FINDING OF BENEFIT. 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 Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

SECTION 5. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

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

(b) Except for initial directors, a director serves a four-year term.

(c) Two members of the board shall represent the urban interests and shall be appointed by the commissioners court of Presidio County.

(d) Three members of the board shall represent agricultural interests and shall be appointed by the commissioners court of Presidio County.

(e) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(f) A director serves until the director's successor has qualified.

(g) If there is a vacancy on the board, the commissioners court of Presidio County, as appropriate, shall appoint a director to serve the remainder of the term.

(h) The commissioners court of Presidio County, as appropriate, shall appoint a director to succeed a director appointed by that entity on or before the date the director's term expires.

SECTION 7. CONFIRMATION ELECTION. (a) The initial board of directors shall call and hold an election to confirm establishment of the district.

(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Except as provided by this section, a confirmation election must be conducted as provided by Sections 52.059(b)–(g), Water Code, and the Election Code.

SECTION 8. APPOINTMENT AND TERMS OF INITIAL DIRECTORS. (a) Not later than the 31st day after the effective date of this Act, the commissioners court of Presidio County shall appoint:

(1) one director to serve a term that expires February 1, 1995; and

(2) one director to serve a term that expires February 1, 1997.

(b) Not later than the 31st day after the effective date of this Act, the commissioners court of Presidio County shall appoint:

(1) two directors to serve terms that expire February 1, 1995; and

(2) one director to serve a term that expires February 1, 1997.

SECTION 9. TAXING AUTHORITY. The district may not levy or collect taxes on property in the district at a rate greater than five cents on the \$100 assessed valuation. The district may use tax revenues only to pay for the maintenance and operation of the district.

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) The proper and 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 by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission 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 11. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 21, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 2817 on May 28, 1993: Yeas 136, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 26, 1993: Yeas 30, Nays 0.

Approved June 6, 1993.

Effective June 6, 1993.