

CHAPTER 1028

H.B. No. 2862

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Haskell/Knox 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 Haskell/Knox County Underground Water Conservation District, is created in Haskell and Knox counties, subject to approval at a confirmation election under Section 11 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 Haskell/Knox County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Haskell County and Knox County, Texas.

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, 51, 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 10 directors.

(b) A vacancy in the office of director shall be filled for the remainder of the unexpired term by appointment of the county commissioners of the county from which the person vacating the position was appointed.

(c) To be eligible to serve as director, a person must be 21 years of age and a registered voter in the county from which the person is appointed.

SECTION 7. APPOINTMENT OF DIRECTORS. (a) The directors of the district shall be appointed by the county commissioners of each county as provided by this section.

(b) Five directors shall be appointed by the county commissioners of Haskell County.

(c) Five directors shall be appointed by the county commissioners of Knox County.

(d) The appropriate number of initial directors shall be appointed by the county commissioners of each county on or before the date on which the temporary board files the results of the election favoring creation of the district with the Texas Water Commission under Section 52.059(f), Water Code.

(e) The initial directors shall draw lots to determine which directors shall serve four-year terms and which directors shall serve two-year terms. The directors shall draw lots so that half of the directors serve four-year terms and the remaining directors serve two-year terms.

(f) Permanent directors are appointed in the same manner as the original appointment.

SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors serve until initial directors are appointed under Section 7.

(b) Initial directors serve until permanent directors are appointed under Section 7.

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

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

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

SECTION 9. APPOINTMENT OF CHAIRMAN; VOTING POWER OF CHAIRMAN.

(a) The chairman of the board of directors shall be appointed from among the directors in even-numbered years by the county commissioners of one county and in odd-numbered years by the county commissioners of the other county. A designated representative from among the county commissioners of each county shall draw lots to determine which county appoints the initial chairman.

(b) The chairman may vote and may cast an additional vote to break a tie.

SECTION 10. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

- (1) David Perdue
- (2) Leonard Phipps
- (3) Bobby Roberson
- (4) Philip Homer
- (5) Johnny Birkenfeld
- (6) Beverly Roberson
- (7) Billy Wayne Hester
- (8) Ronnie Chapman

(9) J. R. Perry

(10) C. A. Turnbow

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy.

SECTION 11. CONFIRMATION ELECTION. (a) The temporary board of directors shall call and hold an election in each county to confirm establishment of the district. The elections shall be held on the same day.

(b) The district is created if the majority of the votes cast in the election in each county favors the creation of the district.

(c) The district is defeated if a majority of the votes cast in the election in either county opposes the creation of the district.

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

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

SECTION 12. 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 13. 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 7, 1993, by a non-record vote; passed by the Senate on May 26, 1993: Yeas 30, Nays 0.

Approved June 19, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.