



HEMPHILL COUNTY UNDERGROUND WATER CONSERVATION DISTRICT ACT

Act of May 19, 1995, 74th Leg., R.S., ch. 157, 1995 Tex. Gen. Laws 1007.

**HEMPHILL COUNTY UNDERGROUND
WATER CONSERVATION DISTRICT ACT**

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CHAPTER 157

H.B. No. 1493

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Hemphill 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 Hemphill County Underground Water Conservation District, is created in Hemphill County, subject to approval at a confirmation election under Section 8 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 Section 59, Article XVI, Texas Constitution.

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SECTION 2. DEFINITION. In this Act, “district” means the Hemphill County Underground Water Conservation District.

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

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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 Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

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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 Section 59, Article XVI, Texas Constitution, except the district may not exercise the power of eminent domain for any purpose. 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 Natural Resource Conservation Commission.

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

(b) Temporary directors serve until initial permanent directors are elected under Section 8 of this Act.

(c) Initial permanent directors serve until permanent directors are elected under Section 9 of this Act.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

(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.

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SECTION 7. TEMPORARY DIRECTORS. (a) The Commissioners Court of Hemphill County shall appoint five temporary directors.

(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 Commissioners Court of Hemphill County shall appoint the necessary number of persons to fill all vacancies on the board.

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SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by

Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary board of directors, at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Natural Resource Conservation Commission.

(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 52.059(b)-(g), Water Code, and the Election Code.

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SECTION 9. ELECTION OF DIRECTORS. (a) On the first Saturday in May of the second 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, each of whom shall serve a two-year term, and three directors, each of whom shall serve a four-year term.

(b) On the first Saturday in May of each subsequent second year following the election, the appropriate number of directors shall be elected to the board.

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SECTION 10. FINDINGS RELATED 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 Natural Resource Conservation Commission.

(b) The Texas Natural Resource Conservation 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.

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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.

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