

1-1 By: Seliger S.B. No. 1870
1-2 (In the Senate - Filed April 20, 2005; April 20, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 26, 2005, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; April 26, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the board of directors of the Permian Basin Underground
1-9 Water Conservation District; validating certain district actions
1-10 and proceedings.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 11, Chapter 408, Acts of the 69th
1-13 Legislature, Regular Session, 1985, is amended to read as follows:

1-14 Sec. 11. ANNEXATION. Additional territory may be added to
1-15 the district as provided by Chapter 36 [52], Water Code. [~~Unless~~
1-16 ~~the number of directors is increased in accordance with Section 12A~~
1-17 ~~of this Act, the board of directors shall determine to which~~
1-18 ~~precinct the annexed land will be added for purposes of election of~~
1-19 ~~directors.~~]

1-20 SECTION 2. Subsection (a), Section 12, Chapter 408, Acts of
1-21 the 69th Legislature, Regular Session, 1985, is amended to read as
1-22 follows:

1-23 (a) The district shall be governed by a board of directors
1-24 that consists of not less than five and not more than nine directors
1-25 [unless the number of directors is increased in accordance with
1-26 Section 12A of this Act]. The number of directors may be changed as
1-27 determined by the board when territory is annexed by the district.

1-28 SECTION 3. Chapter 408, Acts of the 69th Legislature,
1-29 Regular Session, 1985, is amended by adding Section 12B to read as
1-30 follows:

1-31 Sec. 12B. BOARD COMPOSITION AND ELECTIONS FOLLOWING
1-32 ANNEXATION OF TERRITORY. (a) If the district contains territory
1-33 in more than one county, the board shall consist of an equal number
1-34 of directors elected from each county and one director elected from
1-35 the district at large.

1-36 (b) To be eligible to serve as director at large, a person
1-37 must be a registered voter in the district. To be eligible to serve
1-38 as director from a county in the district, a person must be:

1-39 (1) a registered voter of that county; and
1-40 (2) if the district contains only part of the county, a
1-41 resident of the part of the county included in the district.

1-42 (c) A person shall indicate on the application for a place
1-43 on the ballot:

1-44 (1) the county that the person seeks to represent; or
1-45 (2) that the person seeks to represent the district at
1-46 large.

1-47 SECTION 4. Section 12A, Chapter 408, Acts of the 69th
1-48 Legislature, Regular Session, 1985, is repealed.

1-49 SECTION 5. (a) The following actions of the Permian Basin
1-50 Underground Water Conservation District are validated and
1-51 confirmed in all respects as if the actions had been done as
1-52 authorized by law:

1-53 (1) all acts and proceedings of the district taken
1-54 before the effective date of this Act; and

1-55 (2) the election or appointment of directors or other
1-56 officers of the district who took office before the effective date
1-57 of this Act.

1-58 (b) A governmental act or proceeding of the Permian Basin
1-59 Underground Water Conservation District occurring after an act or
1-60 proceeding validated by this Act may not be held invalid on the
1-61 ground that the prior act or proceeding, in the absence of this Act,
1-62 was invalid.

1-63 (c) This section does not apply to any matter that on the
1-64 effective date of this Act:

2-1 (1) is involved in litigation if the litigation
2-2 ultimately results in the matter being held invalid by a final
2-3 judgment of a court of competent jurisdiction; or

2-4 (2) has been held invalid by a final judgment of a
2-5 court of competent jurisdiction.

2-6 SECTION 6. (a) A director of the Permian Basin Underground
2-7 Water Conservation District serving on the effective date of this
2-8 Act continues to serve until the expiration of the term for which
2-9 the director was elected.

2-10 (b) In the first regularly scheduled directors' election
2-11 for the Permian Basin Underground Water Conservation District after
2-12 the effective date of this Act, in addition to the election of one
2-13 director from Martin County and one director from Howard County,
2-14 one director shall be elected from the district at large.

2-15 SECTION 7. This Act takes effect immediately if it receives
2-16 a vote of two-thirds of all the members elected to each house, as
2-17 provided by Section 39, Article III, Texas Constitution. If this
2-18 Act does not receive the vote necessary for immediate effect, this
2-19 Act takes effect September 1, 2005.

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