

By: King of Hemphill

H.B. No. 886

A BILL TO BE ENTITLED

AN ACT

relating to the powers and election dates of the Hemphill County
Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1(a), Chapter 157, Acts of the 74th
Legislature, Regular Session, 1995, is amended to read as follows:

(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].~~

SECTION 2. Section 5, Chapter 157, Acts of the 74th
Legislature, Regular Session, 1995, is amended to read as follows:

Sec. 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 Chapter 36 ~~[Chapters 50 and
52]~~, Water Code, applicable to groundwater ~~[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

1 supervision of the state to be exercised by and through the Texas
2 Commission on Environmental Quality [~~Natural Resource Conservation~~
3 ~~Commission~~].

4 SECTION 3. Section 6(e), Chapter 157, Acts of the 74th
5 Legislature, Regular Session, 1995, is amended to read as follows:

6 (e) Each director must qualify to serve as director in the
7 manner provided by Section 36.055 [~~Sections 51.078 and 51.079~~],
8 Water Code.

9 SECTION 4. Section 9, Chapter 157, Acts of the 74th
10 Legislature, Regular Session, 1995, is amended to read as follows:

11 Sec. 9. ELECTION OF DIRECTORS. [~~(a) On the first Saturday~~
12 ~~in May of the second year after the year in which the district is~~
13 ~~authorized to be created at a confirmation election, an election~~
14 ~~shall be held in the district for the election of two directors,~~
15 ~~each of whom shall serve a two-year term, and three directors, each~~
16 ~~of whom shall serve a four-year term.~~

17 [(~~b~~)] On the uniform election date [~~first Saturday~~] in May
18 of each even-numbered [~~subsequent second~~] year [~~following the~~
19 ~~election~~], the district shall hold an election to elect the
20 appropriate number of directors [~~shall be elected~~] to the board.

21 SECTION 5. Sections 6(b) and (c), 7, 8, and 10, Chapter
22 157, Acts of the 74th Legislature, Regular Session, 1995, are
23 repealed.

24 SECTION 6. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor, the
9 lieutenant governor, and the speaker of the house of
10 representatives within the required time.

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act are fulfilled
14 and accomplished.

15 SECTION 7. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.