

AN ACT

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

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

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

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

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

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

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

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

6           (b) To be eligible to serve as director at large, a person  
7 must be a registered voter in the district. To be eligible to serve  
8 as director from a county in the district, a person must be:

9                   (1) a registered voter of that county; and

10                   (2) if the district contains only part of the county, a  
11 resident of the part of the county included in the district.

12           (c) A person shall indicate on the application for a place  
13 on the ballot:

14                   (1) the county that the person seeks to represent; or

15                   (2) that the person seeks to represent the district at  
16 large.

17           SECTION 4. Section 12A, Chapter 408, Acts of the 69th  
18 Legislature, Regular Session, 1985, is repealed.

19           SECTION 5. (a) The following actions of the Permian Basin  
20 Underground Water Conservation District are validated and  
21 confirmed in all respects as if the actions had been done as  
22 authorized by law:

23                   (1) all acts and proceedings of the district taken  
24 before the effective date of this Act; and

25                   (2) the election or appointment of directors or other  
26 officers of the district who took office before the effective date  
27 of this Act.

1           (b) A governmental act or proceeding of the Permian Basin  
2 Underground Water Conservation District occurring after an act or  
3 proceeding validated by this Act may not be held invalid on the  
4 ground that the prior act or proceeding, in the absence of this Act,  
5 was invalid.

6           (c) This section does not apply to any matter that on the  
7 effective date of this Act:

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

11                   (2) has been held invalid by a final judgment of a  
12 court of competent jurisdiction.

13           SECTION 6. (a) A director of the Permian Basin Underground  
14 Water Conservation District serving on the effective date of this  
15 Act continues to serve until the expiration of the term for which  
16 the director was elected.

17           (b) In the first regularly scheduled directors' election  
18 for the Permian Basin Underground Water Conservation District after  
19 the effective date of this Act, in addition to the election of one  
20 director from Martin County and one director from Howard County,  
21 one director shall be elected from the district at large.

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

David Newkirk  
President of the Senate

Jim Cuddihy  
Speaker of the House

I hereby certify that S.B. No. 1870 passed the Senate on May 2, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 1870 passed the House on May 25, 2005, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

17 JUNE '05  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:20 AM O'CLOCK  
JUN 17 2005  
Roger Williams  
Secretary of State