138

By Cain H.B. No.

A BILL TO BE ENTITLED

AN ACT

amending Article 7500, Revised Civil Statutes of Texas, 1925, relating to requirements which may be imposed on persons desiring to take, store, or divert water; and declaring an emergency.

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

Section 1. Article 7500, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 7500. TEXAS WATER RIGHTS COMMISSION REQUIREMENTS. If the proposed taking or diversion of water is of greater volume than ~~1,000~~ 1,500 gallons per minute, the Texas Water Rights Commission may require the following, in addition:

"A continuous longitudinal profile; cross sections of the proposed channel; and the detailed plans and specifications of any structural work of whatever character entering into the proposed project, on such scales and with such definition as the commission may deem necessary or expedient.

"The commission may also require the filing of a copy of the engineer's field notes of any survey of such lake or reservoir, and all plans and specifications, where the project calls for a dam over six feet in height, for the purpose of either diversion or storage; and no work on such project shall proceed until approval of such plans is obtained.

"The commission may, in case the applicant is an incorporated company, require the filing of a certified copy of the applicant's articles of incorporation, together with a statement of the names and addresses of its directors and officers; and the amount of its authorized and of its paid-up capital stock.

"If the applicant be other than an incorporated company, the commission may require the filing of a sworn statement, showing the names and addresses of the person or persons interested in same and the extent of such interest and of the financial condition of each such person."

Sec. 2. 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.

0-189

By: Cain H. B. No. 138

BILL ANALYSIS

(1) Background information:

Article 7500, Revised Civil Statutes of Texas, 1925, sets forth that, if the proposed taking or diversion of water is of greater volume than nine (9) cubic feet per second (4040 gallons per minute), the Texas Water Rights Commission ma y require certain conditions to be met. This figure was set in 1917 and has been made obsolete by today's bigger demands on Texas water resources.

(2) Purpose of the bill:

This bill amends Article 7500 to change the specified volume of water from 4040 gallons per minute to 1200 gallons per minute.

(3) Section by section analysis:

Section 1. Changes the volume of water specified in Article 7500 from nine (9) cubic feet per second to 1,000 gallons per minute. Also repeats the conditions which may be imposed by the commission.

Section 2. Declares an emergency.

(4) In Committee:

This bill was heard by the full Committee and after complete discussion, was referred to a subcommittee. The Committee adopted Committee Amendment No. 1 which changed the specified volume of water from 1000 gallons per minute to 1200 gallons per minute. The Committee voted to report the bill back to the House with the recommendation that it do pass, as amended and be printed. The vote was 11 ayes to 1 no.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 3-21-67,

HON. BEN BARNES
Speaker of the House of Representatives.

Sir:

We, your Committee on Conservation and Reclamation, to whom was referred HB No. 139, have had the same under consideration and beg to report back with recommendation that it do ~~do not~~ pass, and be printed

Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be a changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

FORM B

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date April 11, 1967,

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on Conservation + Reclamation, to whom was referred HB No. 138, have had the same under consideration and beg to report back with recommendation that it do pass, as amended, and be printed.

Weston J. Murray

Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

Amendment

amend H.B. no 138 by striking the figure 1[illegible]00 on line 20, of said bill and adding the figure ~~7,600~~ 1,200 at such place on such line 20.

Rosson

COMMITTEE AMENDMENT

NO. 1

DATE MAY 9 1967

READ AND ADOPTED

Dorothy Hoffman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

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

Section 1. Article 7500, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 7500. TEXAS WATER RIGHTS COMMISSION REQUIREMENTS. If the proposed taking or diversion of water is of greater volume than 1,200 gallons per minute, the Texas Water Rights Commission may require the following, in addition:

"A continuous longitudinal profile; cross sections of the proposed channel; and the detailed plans and specifications of any structural work of whatever character entering into the proposed project, on such scales and with such definition as the commission may deem necessary or expedient.

"The commission may also require the filing of a copy of the engineer's field notes of any survey of such lake or reservoir, and all plans and specifications, where the project calls for a dam over six feet in height, for the purpose of either diversion or storage; and no work on such project shall proceed until approval of such plans is obtained.

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and addresses of its directors and officers; and the amount of its authorized and of its paid-up capital stock.

"If the applicant be other than an incorporated company, the commission may require the filing of a sworn statement, showing the names and addresses of the person or persons interested in same and the extent of such interest and of the financial condition of each such person."

Sec. 2. 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.

H.B. No. 138 By Cain

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FILED JAN 23 1967

JAN 25 1967 READ 1ST TIME AND REFERRED TO COMMITTEE ON Conservation & Reclamation

APR 13 1967 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER

PRINTED, DISTRIBUTED AND REFERRED TO COMMITTEE ON RULES 11:00 A.M. APR 13 1967
(Time) (Date)

RECEIVED APR 13 1967 HOUSE OF REPRESENTATIVES

MAY 9 1967 READ SECOND TIME Amended AND ORDERED ____ ENGROSSED, by non-record vote

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 9 1967 Constitutional Rule requiring bills to be read on three several days suspended by A four-fifths vote.
Yeas 131 Nays 10

Dorothy Hallman
Chief Clerk, House of Representatives

DELIVERED APR 13 1967 HOUSE OF REPRESENTATIVES

MAY 9 1967 Read third time and Passed by ~~following~~ vote: ~~yeas~~ non-record ~~Nays~~

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 9 1967 MOTION TO RECONSIDER THE VOTE BY WHICH HB #138 WAS ~~ADOPTED~~ / PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED ~~PASSED~~ BY A non-record VOTE

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 9 1967 SENT TO ENGROSSING CLERK

By: Cain H.B. No. 138

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amending Article 7500, Revised Civil Statutes of Texas, 1925, relating to requirements which may be imposed on persons desiring to take, store, or divert water; and declaring an emergency.

1-23-67 Filed.

1-25-67 Read first time and referred to Committee on Conservation and Reclamation.

4-13-67 Reported favorably as amended, sent to printer.

4-13-67 Printed, distributed and referred to Committee on Rules at 11:00 a.m.

5- 9-67 Read second time, amended and ordered engrossed by a non-record vote.

5- 9-67 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 131, Nays 10.

5- 9-67 Read third time and passed by a non-record vote.

Dorothy Hallman
Chief Clerk, H. of R.

5- 9-67 Sent to Engrossing Clerk.

5- 9-67 Engrossed.

Engrossing Clerk, H. of R.

MAY 10 1967 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 10 1967
IN THE SENATE
Received from the House

MAY 15 1967 Read first time
and referred to Committee
on Water and Conservation