

I certify that the attached is a true and correct copy of HB 2381, which was filed of record on MAY 8 1981 and referred to the committee on:

FILED MAY 8 1981

Natural Resources

Betty Murray
Chief Clerk of the House

By *Caddell*

// B. No. 2381

A BILL TO BE ENTITLED

AN ACT

1 relating to the creation, administration, powers, duties,
2 operation, and financing of the Glasscock County Underground Water
3 Conservation District.
4

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

6 SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section
7 59, of the Texas Constitution, the Glasscock County Underground
8 Water Conservation District is created, as a governmental agency
9 and body politic and corporate, authorized to exercise the powers
10 essential to the accomplishment of the purposes of that
11 constitutional provision and to exercise the rights, powers,
12 duties, privileges, and functions provided by this Act and by
13 Chapters 51 and 52 of the Water Code, as amended, and by other laws
14 of this state relating to underground water conservation districts.
15 In this Act, "district" means the Glasscock County Underground
16 Water Conservation District.

17 SECTION 2. BOUNDARY OF THE DISTRICT. The boundaries of the
18 district include all of the area in Glasscock County, Texas, and
19 the boundaries of the district are identical to the boundaries of
20 that county.

21 SECTION 3. PURPOSE OF THE DISTRICT. The district is created
22 to provide for the conservation, preservation, protection,
23 recharge, and prevention of waste of the underground water
24 reservoirs located under district land consistent with the

1 objectives of Article XVI, Section 59, of the Texas Constitution
2 and Chapters 51 and 52 of the Water Code, as amended.

3 SECTION 4. POWERS AND DUTIES OF DISTRICT. The district may
4 exercise the powers, rights, privileges, and functions permitted by
5 Chapters 51 and 52 of the Water Code, as amended, including
6 authority to:

7 (1) make and enforce rules to provide for conserving,
8 preserving, protecting, recharging, and preventing waste of the
9 water from the underground water reservoirs that may be enforced by
10 injunction, mandatory injunction, or other appropriate remedies in
11 a court of competent jurisdiction;

12 (2) require permits for the drilling, equipping, and
13 completion of wells in the underground water reservoirs and issue
14 permits subject to terms and provisions with reference to the
15 drilling, equipping, and completion of the wells as may be
16 necessary to prevent waste or conserve, preserve, and protect
17 underground water;

18 (3) provide for the spacing of wells producing from the
19 underground water reservoirs and regulate the production from those
20 wells to minimize as far as practicable the drawdown of the water
21 table or the reduction of the artesian pressure, provided, the
22 owner of the land, his heirs, assigns, and lessees are not denied a
23 permit to drill a well on their land and the right to produce
24 underground water from that well subject to rules adopted under
25 this Act;

26 (4) require records to be kept and reports to be made of the
27 drilling, equipping, and completion of wells into any underground

1 water reservoir and the taking and use of underground water from
2 those reservoirs and require accurate driller's logs to be kept of
3 those wells and a copy of those logs and of any electric logs that
4 may be made of the wells to be filed with the district;

5 (5) acquire land for the erection of dams and for the
6 purpose of draining lakes, draws, and depressions, and construct
7 dams, drain lakes, depressions, draws, and creeks and install pumps
8 and other equipment necessary to recharge any underground water
9 reservoirs;

10 (6) have made by registered professional engineers surveys
11 of the underground water of any underground water reservoir and of
12 the facilities for the development, production, and use of that
13 underground water, determine the quantity of the underground water
14 available for production and use and the improvements,
15 developments, and recharges needed for those underground water
16 reservoirs;

17 (7) develop comprehensive plans for the most efficient use
18 of the underground water of any underground water reservoir and for
19 the control and prevention of waste of that underground water, with
20 the plans to specify in the amount of detail that may be
21 practicable the acts, procedure, performance, and avoidance that
22 are or may be necessary to effect those plans, including
23 specifications;

24 (8) carry out research projects, develop information, and
25 determine limitations, if any, that should be made on the
26 withdrawal of underground water from any underground water
27 reservoir;

1 (9) collect and preserve information regarding the use of
2 the underground water and the practicability of recharge of any
3 underground water reservoir;

4 (10) publish plans and information, bring them to the notice
5 and attention of the users of the underground water within the
6 district, and encourage their adoption and execution; and

7 (11) contract for, sell, and distribute water from a water
8 import authority, or other agency.

9 SECTION 5. ADMINISTRATIVE PROCEDURES. Except as otherwise
10 provided by this Act, the administrative and procedural provisions
11 of Chapters 51 and 52 of the Water Code, as amended, apply to the
12 district.

13 SECTION 6. INITIAL DIRECTORS. (a) The members of the
14 initial board of directors are:

- 15 (1) Lynn Glass;
- 16 (2) Hubert Frerich;
- 17 (3) Jerry Murphy;
- 18 (4) Jimmy Strube; and
- 19 (5) Dennis Seidenberger.

20 (b) The initial members of the board shall serve until their
21 successors have been elected and have qualified.

22 SECTION 7. CONFIRMATION OF THE DISTRICT. (a) It is found
23 that all of the land included within the boundaries of the district
24 will be benefited and that the district is created to serve a
25 public use and benefit.

26 (b) Within 30 days after the effective date of this Act and
27 without the necessity of having a petition presented, the initial

1 board of directors shall call an election to be held in the
2 district for the purpose of confirming the organization of the
3 district, provided the election is not held sooner than 60 days nor
4 later than 90 days after the election is ordered.

5 (c) The propositions to be voted on shall include the
6 question of whether or not the establishment of the district is
7 confirmed, the question of election of directors, the question of
8 levying, assessing, and collecting an ad valorem tax throughout the
9 district, and any other propositions required by this Act or by the
10 initial board of directors.

11 (d) Only qualified electors who reside in the district are
12 qualified to vote in the election.

13 (e) Notice of the election shall be published at least twice
14 in a newspaper of general circulation in the district, at least 30
15 days and at least ten days respectively, before the date of the
16 election.

17 (f) Returns of the election shall be made to the initial
18 board of directors of the district and the directors shall canvass
19 those returns and declare the results of the election.

20 (g) No hearings may be held to determine whether any land
21 included within the boundaries of the district should be excluded.

22 SECTION 8. TAX AND BOND PROVISIONS. The tax and bond
23 provisions of Chapters 51 and 52 of the Water Code, as amended,
24 apply to the district.

25 SECTION 9. DISSOLUTION OF THE DISTRICT. Chapter 52 of the
26 Water Code, as amended, applies to dissolution of the district.

27 SECTION 10. ANNEXATION. Additional territory may be added

1 to the district under Chapter 51 of the Water Code, as amended.
2 The directors shall determine to which precinct the annexed land
3 shall be added for purposes of election of directors.

4 SECTION 11. DIRECTOR ELECTIONS. (a) The district shall be
5 governed by a board of directors that consists of five directors.

6 (b) To be qualified for election as a director, a person
7 must be a resident of the district, own land subject to taxation in
8 the district, and be at least 21 years of age.

9 (c) One director shall be elected from each county
10 commissioners precinct in Glasscock County and one director shall
11 be elected at large.

12 (d) To be qualified for election as a director from a
13 precinct, a person must own land subject to taxation in the
14 precinct from which he is elected.

15 (e) The three directors receiving the highest number of
16 votes in the initial election shall serve as directors until the
17 three persons elected at the second regular election of directors
18 have qualified, and the other two directors shall serve until the
19 two persons elected at the first regular election of directors have
20 qualified. After the second election of directors, an election
21 shall be held each year with two directors elected one year and
22 three the next year in continuing sequence.

23 SECTION 12. STATUTORY INTERPRETATION. If there is a
24 conflict between this Act and Chapter 51 or 52 of the Water Code,
25 as amended, this Act controls. If there is a conflict between
26 Chapter 51, Water Code, as amended, and Chapter 52, Water Code, as
27 amended, Chapter 52 controls.

1 SECTION 13. EMERGENCY. The importance of this legislation
2 and the crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended,
6 and that this Act take effect and be in force from and after its
7 passage, and it is so enacted.

HOUSE COMMITTEE REPORT

1ST PRINTING

F

By Craddick

H.B. No. 2381

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Glasscock County Underground Water
4 Conservation District.

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

6 SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section
7 59, of the Texas Constitution, the Glasscock County Underground
8 Water Conservation District is created, as a governmental agency
9 and body politic and corporate, authorized to exercise the powers
10 essential to the accomplishment of the purposes of that
11 constitutional provision and to exercise the rights, powers,
12 duties, privileges, and functions provided by this Act and by
13 Chapters 51 and 52 of the Water Code, as amended, and by other laws
14 of this state relating to underground water conservation districts.
15 In this Act, "district" means the Glasscock County Underground
16 Water Conservation District.

17 SECTION 2. BOUNDARY OF THE DISTRICT. The boundaries of the
18 district include all of the area in Glasscock County, Texas, and
19 the boundaries of the district are identical to the boundaries of
20 that county.

21 SECTION 3. PURPOSE OF THE DISTRICT. The district is created
22 to provide for the conservation, preservation, protection,
23 recharge, and prevention of waste of the underground water
24 reservoirs located under district land consistent with the

1 objectives of Article XVI, Section 59, of the Texas Constitution
2 and Chapters 51 and 52 of the Water Code, as amended.

3 SECTION 4. POWERS AND DUTIES OF DISTRICT. The district may
4 exercise the powers, rights, privileges, and functions permitted by
5 Chapters 51 and 52 of the Water Code, as amended, including
6 authority to:

7 (1) make and enforce rules to provide for conserving,
8 preserving, protecting, recharging, and preventing waste of the
9 water from the underground water reservoirs that may be enforced by
10 injunction, mandatory injunction, or other appropriate remedies in
11 a court of competent jurisdiction;

12 (2) require permits for the drilling, equipping, and
13 completion of wells in the underground water reservoirs and issue
14 permits subject to terms and provisions with reference to the
15 drilling, equipping, and completion of the wells as may be
16 necessary to prevent waste or conserve, preserve, and protect
17 underground water;

18 (3) provide for the spacing of wells producing from the
19 underground water reservoirs and regulate the production from those
20 wells to minimize as far as practicable the drawdown of the water
21 table or the reduction of the artesian pressure, provided, the
22 owner of the land, his heirs, assigns, and lessees are not denied a
23 permit to drill a well on their land and the right to produce
24 underground water from that well subject to rules adopted under
25 this Act;

26 (4) require records to be kept and reports to be made of the
27 drilling, equipping, and completion of wells into any underground

1 water reservoir and the taking and use of underground water from
2 those reservoirs and require accurate driller's logs to be kept of
3 those wells and a copy of those logs and of any electric logs that
4 may be made of the wells to be filed with the district;

5 (5) acquire land for the erection of dams and for the
6 purpose of draining lakes, draws, and depressions, and construct
7 dams, drain lakes, depressions, draws, and creeks and install pumps
8 and other equipment necessary to recharge any underground water
9 reservoirs;

10 (6) have made by registered professional engineers surveys
11 of the underground water of any underground water reservoir and of
12 the facilities for the development, production, and use of that
13 underground water, determine the quantity of the underground water
14 available for production and use and the improvements,
15 developments, and recharges needed for those underground water
16 reservoirs;

17 (7) develop comprehensive plans for the most efficient use
18 of the underground water of any underground water reservoir and for
19 the control and prevention of waste of that underground water, with
20 the plans to specify in the amount of detail that may be
21 practicable the acts, procedure, performance, and avoidance that
22 are or may be necessary to effect those plans, including
23 specifications;

24 (8) carry out research projects, develop information, and
25 determine limitations, if any, that should be made on the
26 withdrawal of underground water from any underground water
27 reservoir;

1 (9) collect and preserve information regarding the use of
2 the underground water and the practicability of recharge of any
3 underground water reservoir;

4 (10) publish plans and information, bring them to the notice
5 and attention of the users of the underground water within the
6 district, and encourage their adoption and execution; and

7 (11) contract for, sell, and distribute water from a water
8 import authority, or other agency.

9 SECTION 5. ADMINISTRATIVE PROCEDURES. Except as otherwise
10 provided by this Act, the administrative and procedural provisions
11 of Chapters 51 and 52 of the Water Code, as amended, apply to the
12 district.

13 SECTION 6. INITIAL DIRECTORS. (a) The members of the
14 initial board of directors are:

- 15 (1) Lynn Glass;
16 (2) Hubert Frerich;
17 (3) Jerry Murphy;
18 (4) Jimmy Strube; and
19 (5) Dennis Seidenberger.

20 (b) The initial members of the board shall serve until their
21 successors have been elected and have qualified.

22 SECTION 7. CONFIRMATION OF THE DISTRICT. (a) It is found
23 that all of the land included within the boundaries of the district
24 will be benefited and that the district is created to serve a
25 public use and benefit.

26 (b) Within 30 days after the effective date of this Act and
27 without the necessity of having a petition presented, the initial

1 board of directors shall call an election to be held in the
2 district for the purpose of confirming the organization of the
3 district, provided the election is not held sooner than 60 days nor
4 later than 90 days after the election is ordered.

5 (c) The propositions to be voted on shall include the
6 question of whether or not the establishment of the district is
7 confirmed, the question of election of directors, the question of
8 levying, assessing, and collecting an ad valorem tax throughout the
9 district, and any other propositions required by this Act or by the
10 initial board of directors.

11 (d) Only qualified electors who reside in the district are
12 qualified to vote in the election.

13 (e) Notice of the election shall be published at least twice
14 in a newspaper of general circulation in the district, at least 30
15 days and at least ten days respectively, before the date of the
16 election.

17 (f) Returns of the election shall be made to the initial
18 board of directors of the district and the directors shall canvass
19 those returns and declare the results of the election.

20 (g) No hearings may be held to determine whether any land
21 included within the boundaries of the district should be excluded.

22 SECTION 8. TAX AND BOND PROVISIONS. The tax and bond
23 provisions of Chapters 51 and 52 of the Water Code, as amended,
24 apply to the district.

25 SECTION 9. DISSOLUTION OF THE DISTRICT. Chapter 52 of the
26 Water Code, as amended, applies to dissolution of the district.

27 SECTION 10. ANNEXATION. Additional territory may be added

1 to the district under Chapter 51 of the Water Code, as amended.
2 The directors shall determine to which precinct the annexed land
3 shall be added for purposes of election of directors.

4 SECTION 11. DIRECTOR ELECTIONS. (a) The district shall be
5 governed by a board of directors that consists of five directors.

6 (b) To be qualified for election as a director, a person
7 must be a resident of the district, own land subject to taxation in
8 the district, and be at least 21 years of age.

9 (c) One director shall be elected from each county
10 commissioners precinct in Glasscock County and one director shall
11 be elected at large.

12 (d) To be qualified for election as a director from a
13 precinct, a person must own land subject to taxation in the
14 precinct from which he is elected.

15 (e) The three directors receiving the highest number of
16 votes in the initial election shall serve as directors until the
17 three persons elected at the second regular election of directors
18 have qualified, and the other two directors shall serve until the
19 two persons elected at the first regular election of directors have
20 qualified. After the second election of directors, an election
21 shall be held each year with two directors elected one year and
22 three the next year in continuing sequence.

23 SECTION 12. STATUTORY INTERPRETATION. If there is a
24 conflict between this Act and Chapter 51 or 52 of the Water Code,
25 as amended, this Act controls. If there is a conflict between
26 Chapter 51, Water Code, as amended, and Chapter 52, Water Code, as
27 amended, Chapter 52 controls.

1 SECTION 13. EMERGENCY. The importance of this legislation
2 and the crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended,
6 and that this Act take effect and be in force from and after its
7 passage, and it is so enacted.

BILL ANALYSIS

Background Information

It is believed that an underground water district needs to be created in Glasscock County to protect the underground water supply.

Purpose of the Bill

Creates the Glasscock County Underground Water Conservation District. Proposes new law.

Section by Section Analysis

Section 1: Creates the district to exercise the rights and powers under Chapter 51 and 52 of the Water Code.

Section 2: Establishes the boundaries of the district as being coterminous with the boundaries of Glasscock County.

Section 3: Provides for the purpose of the district, including the protection and preservation of underground water supplies.

Section 4: Provides for the powers and duties of the district including those functions permitted by Chapters 51 and 52 of the Water Code governing water control and improvement districts and underground water conservation districts. Permits the district to make and enforce rules, require permits for the drilling of wells, to provide for the spacing of wells, to require records to be kept to acquire land for the erection of dams and for the purpose of draining lakes, draws and depressions, to develop comprehensive plans for the most sufficient use of underground water, to carry out research projects, to collect and preserve information regarding the use of underground water and the practicality of recharge, to publish plans and information, and to contract for, sell, and distribute water from a water import authority or other agency.

Section 5: Provides that the administrative and procedural provisions of Chapter 51 and 52 of the Water Code apply to the district.

Section 6: Names the initial directors.

Section 7: Provides for the creation of the district subject to a confirmation election. Provides that the initial election will also present the question of levying, assessing, and collecting ad valorem taxes throughout the district. Provides that no hearings may be held to determine whether any land included in the boundaries of the district should be excluded.

Section 8: Provides that the tax and bond provisions of Chapters 51 and 52 of the Water Code will apply to the district.

Section 9: Provides that the dissolution procedures found in Chapter 52 of the Water Code will apply to the district.

Section 10: Provides that Chapter 51's provisions relating to annexation will apply to the district.

Section 11: Provides for directors' elections.

Section 12: Provides that in the event of conflict between the provisions of Chapters 51 and 52, the provisions of Chapter 52 shall prevail.

Section 13: Emergency Clause.

Rulemaking Authority

Section 4 of the bill provides that the district may make and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste to the water from the underground water reservoirs that may be enforced by injunction, mandatory injunction or other appropriate remedies in a court of competent jurisdiction. The Committee is unable to estimate the cost of this rulemaking authority.

Summary of Committee Action

The Rules of the House having been suspended by an announcement from the floor of the House, the Committee on Natural Resources considered H.B. 2381 in a formal meeting on May 8, 1981. It was moved that H.B. 2381 be reported back to the House favorably, without amendment, with the recommendation that it do pass and be printed and be placed on the Local Calendar. Upon being duly seconded, the motion prevailed with the following record vote: six ayes, no nays, and five absent.

No witness testified for or against the bill.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 8, 1981

Honorable Tom Craddick, Chairman
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Bill No. 2381
By: Craddick

Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Bill No. 2381 (relating to the creation, administration, powers, duties, operation, and financing of the Glasscock County Underground Water Conservation District) to be as follows:

No fiscal implication or additional cost to the State attributable to the bill, should it be enacted, is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal impact on units of local government.


Thomas M. Keel
Director

Source: LBB Staff: TK, HS, LG



TOM CRADDICK
3108 STANOLIND
MIDLAND, TEXAS 79701
P. O. BOX 2910
AUSTIN, TEXAS 78769

HOUSE OF REPRESENTATIVES
AUSTIN

COMMITTEE
CHAIRMAN
NATURAL RESOURCES
MEMBER
ENERGY RESOURCES

May 8, 1981

The Honorable Members of
the House Natural Resources Committee

Dear Members:

Pursuant to Section 3.119 of the rules of the Texas House of Representatives, I believe that House Bill Number 2381, should it be enacted, would have no fiscal implications to the State of Texas.

Sincerely,

A handwritten signature in cursive script that reads "Tom Craddick".

Tom Craddick

THE STATE OF TEXAS }
COUNTY OF TOM GREEN }

On this 14 day of April, 19 81, personally appeared before me,

the undersigned, a Notary Public in and for said county and state, Wilma Buckmaster,

Classified Manager of the Standard-Times, a daily news-

paper published at SAN ANGELO, County of TOM GREEN, State of TEXAS, who, being by me duly sworn, states that the attached advertisement, a true copy of which is hereto annexed, was published in said news-

paper in its issues thereof of the following dates April 8

, 19 81.

Wilma Buckmaster

Wilma Buckmaster, Classified Manager

Subscribed and sworn to before me this 14 day of April, 19 81.

Grace A. Braziel
Notary Public, Tom Green County, Texas

Grace A. Braziel

NOTICE
This is to give notice of the intention to introduce a bill in the 67th Legislature, regular session, relating to the creation, administration, powers, duties, operation, and financing of the Glasscock County Underground Water Conservation District.
Hubert Frerich
Chairman Board of the Glasscock Water Committee

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

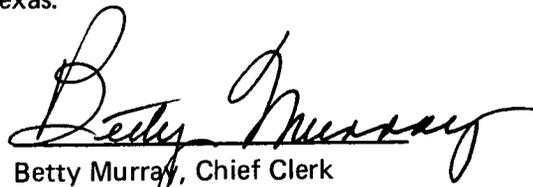
TO: The Honorable William P. Clements, Jr.
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Department of Water Resources copies of House Bill No. 2381, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Department of Water Resources, under Section 59(d), Article XVI, Constitution of the State of Texas.

MAY 8 1981

Date transmitted to
Governor's Office

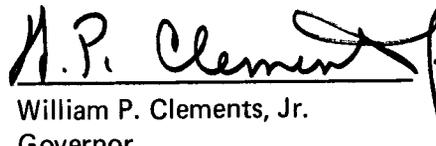

Betty Murray, Chief Clerk
House of Representatives

TO: Texas Department of Water Resources

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. 2381, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

5-12-81
Date transmitted to
Texas Department of Water Resources


William P. Clements, Jr.
Governor

May 14, 1981

(Date)

TO: The Honorable Bill Clayton
Speaker of the House

The Honorable W.P. Hobby
President of the Senate

The Honorable William P. Clements, Jr.
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Department of Water Resources on House Bill No. 2381, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Harvey Davis
Executive Director

TEXAS DEPARTMENT OF WATER RESOURCES

1700 N. Congress Avenue
Austin, Texas



Harvey Davis
Executive Director

May 8, 1981

TEXAS WATER DEVELOPMENT BOARD

Louis A. Beecherl, Jr., Chairman
John H. Garrett, Vice Chairman
George W. McCleskey
Glen E. Roney
W. O. Bankston
Lonnie A. "Bo" Pilgrim

TEXAS WATER COMMISSION

Felix McDonald, Chairman
Dorsey B. Hardeman
Joe R. Carroll

Honorable William P. Clements, Jr.
Governor of Texas

Honorable W. P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House

Gentlemen:

Re: H.B. 2381 - Glasscock County Underground Water
Conservation District

Recommendations of the Texas Department of Water
Resources pursuant to Article XVI, Section 59d,
Texas Constitution, concerning a bill relating
to the above referenced district.

The Department has evaluated the above referenced bill and
would offer no specific recommendations.

Sincerely yours,

A handwritten signature in cursive script that reads "Harvey Davis".

Harvey Davis
Executive Director

cc: Representative Tom Craddick
Ms. Betty King, Secretary, Senate

F

ENGROSSED
THIRD READING

H.B. No. 2381

By Craddick

A BILL TO BE ENTITLED

AN ACT

1 relating to the creation, administration, powers, duties,
2 operation, and financing of the Glasscock County Underground Water
3 Conservation District.
4

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

6 SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section
7 59, of the Texas Constitution, the Glasscock County Underground
8 Water Conservation District is created, as a governmental agency
9 and body politic and corporate, authorized to exercise the powers
10 essential to the accomplishment of the purposes of that
11 constitutional provision and to exercise the rights, powers,
12 duties, privileges, and functions provided by this Act and by
13 Chapters 51 and 52 of the Water Code, as amended, and by other laws
14 of this state relating to underground water conservation districts.
15 In this Act, "district" means the Glasscock County Underground
16 Water Conservation District.

17 SECTION 2. BOUNDARY OF THE DISTRICT. The boundaries of the
18 district include all of the area in Glasscock County, Texas, and
19 the boundaries of the district are identical to the boundaries of
20 that county.

21 SECTION 3. PURPOSE OF THE DISTRICT. The district is created
22 to provide for the conservation, preservation, protection,
23 recharge, and prevention of waste of the underground water
24 reservoirs located under district land consistent with the

1 objectives of Article XVI, Section 59, of the Texas Constitution
2 and Chapters 51 and 52 of the Water Code, as amended.

3 SECTION 4. POWERS AND DUTIES OF DISTRICT. The district may
4 exercise the powers, rights, privileges, and functions permitted by
5 Chapters 51 and 52 of the Water Code, as amended, including
6 authority to:

7 (1) make and enforce rules to provide for conserving,
8 preserving, protecting, recharging, and preventing waste of the
9 water from the underground water reservoirs that may be enforced by
10 injunction, mandatory injunction, or other appropriate remedies in
11 a court of competent jurisdiction;

12 (2) require permits for the drilling, equipping, and
13 completion of wells in the underground water reservoirs and issue
14 permits subject to terms and provisions with reference to the
15 drilling, equipping, and completion of the wells as may be
16 necessary to prevent waste or conserve, preserve, and protect
17 underground water;

18 (3) provide for the spacing of wells producing from the
19 underground water reservoirs and regulate the production from those
20 wells to minimize as far as practicable the drawdown of the water
21 table or the reduction of the artesian pressure, provided, the
22 owner of the land, his heirs, assigns, and lessees are not denied a
23 permit to drill a well on their land and the right to produce
24 underground water from that well subject to rules adopted under
25 this Act;

26 (4) require records to be kept and reports to be made of the
27 drilling, equipping, and completion of wells into any underground

1 water reservoir and the taking and use of underground water from
2 those reservoirs and require accurate driller's logs to be kept of
3 those wells and a copy of those logs and of any electric logs that
4 may be made of the wells to be filed with the district;

5 (5) acquire land for the erection of dams and for the
6 purpose of draining lakes, draws, and depressions, and construct
7 dams, drain lakes, depressions, draws, and creeks and install pumps
8 and other equipment necessary to recharge any underground water
9 reservoirs;

10 (6) have made by registered professional engineers surveys
11 of the underground water of any underground water reservoir and of
12 the facilities for the development, production, and use of that
13 underground water, determine the quantity of the underground water
14 available for production and use and the improvements,
15 developments, and recharges needed for those underground water
16 reservoirs;

17 (7) develop comprehensive plans for the most efficient use
18 of the underground water of any underground water reservoir and for
19 the control and prevention of waste of that underground water, with
20 the plans to specify in the amount of detail that may be
21 practicable the acts, procedure, performance, and avoidance that
22 are or may be necessary to effect those plans, including
23 specifications;

24 (8) carry out research projects, develop information, and
25 determine limitations, if any, that should be made on the
26 withdrawal of underground water from any underground water
27 reservoir;

1 (9) collect and preserve information regarding the use of
2 the underground water and the practicability of recharge of any
3 underground water reservoir;

4 (10) publish plans and information, bring them to the notice
5 and attention of the users of the underground water within the
6 district, and encourage their adoption and execution; and

7 (11) contract for, sell, and distribute water from a water
8 import authority, or other agency.

9 SECTION 5. ADMINISTRATIVE PROCEDURES. Except as otherwise
10 provided by this Act, the administrative and procedural provisions
11 of Chapters 51 and 52 of the Water Code, as amended, apply to the
12 district.

13 SECTION 6. INITIAL DIRECTORS. (a) The members of the
14 initial board of directors are:

- 15 (1) Lynn Glass;
16 (2) Hubert Frerich;
17 (3) Jerry Murphy;
18 (4) Jimmy Strube; and
19 (5) Dennis Seidenberger.

20 (b) The initial members of the board shall serve until their
21 successors have been elected and have qualified.

22 SECTION 7. CONFIRMATION OF THE DISTRICT. (a) It is found
23 that all of the land included within the boundaries of the district
24 will be benefited and that the district is created to serve a
25 public use and benefit.

26 (b) Within 30 days after the effective date of this Act and
27 without the necessity of having a petition presented, the initial

1 board of directors shall call an election to be held in the
2 district for the purpose of confirming the organization of the
3 district, provided the election is not held sooner than 60 days nor
4 later than 90 days after the election is ordered.

5 (c) The propositions to be voted on shall include the
6 question of whether or not the establishment of the district is
7 confirmed, the question of election of directors, the question of
8 levying, assessing, and collecting an ad valorem tax throughout the
9 district, and any other propositions required by this Act or by the
10 initial board of directors.

11 (d) Only qualified electors who reside in the district are
12 qualified to vote in the election.

13 (e) Notice of the election shall be published at least twice
14 in a newspaper of general circulation in the district, at least 30
15 days and at least ten days respectively, before the date of the
16 election.

17 (f) Returns of the election shall be made to the initial
18 board of directors of the district and the directors shall canvass
19 those returns and declare the results of the election.

20 (g) No hearings may be held to determine whether any land
21 included within the boundaries of the district should be excluded.

22 SECTION 8. TAX AND BOND PROVISIONS. The tax and bond
23 provisions of Chapters 51 and 52 of the Water Code, as amended,
24 apply to the district.

25 SECTION 9. DISSOLUTION OF THE DISTRICT. Chapter 52 of the
26 Water Code, as amended, applies to dissolution of the district.

27 SECTION 10. ANNEXATION. Additional territory may be added

1 to the district under Chapter 51 of the Water Code, as amended.
2 The directors shall determine to which precinct the annexed land
3 shall be added for purposes of election of directors.

4 SECTION 11. DIRECTOR ELECTIONS. (a) The district shall be
5 governed by a board of directors that consists of five directors.

6 (b) To be qualified for election as a director, a person
7 must be a resident of the district, own land subject to taxation in
8 the district, and be at least 21 years of age.

9 (c) One director shall be elected from each county
10 commissioners precinct in Glasscock County and one director shall
11 be elected at large.

12 (d) To be qualified for election as a director from a
13 precinct, a person must own land subject to taxation in the
14 precinct from which he is elected.

15 (e) The three directors receiving the highest number of
16 votes in the initial election shall serve as directors until the
17 three persons elected at the second regular election of directors
18 have qualified, and the other two directors shall serve until the
19 two persons elected at the first regular election of directors have
20 qualified. After the second election of directors, an election
21 shall be held each year with two directors elected one year and
22 three the next year in continuing sequence.

23 SECTION 12. STATUTORY INTERPRETATION. If there is a
24 conflict between this Act and Chapter 51 or 52 of the Water Code,
25 as amended, this Act controls. If there is a conflict between
26 Chapter 51, Water Code, as amended, and Chapter 52, Water Code, as
27 amended, Chapter 52 controls.

1 SECTION 13. EMERGENCY. The importance of this legislation
2 and the crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended,
6 and that this Act take effect and be in force from and after its
7 passage, and it is so enacted.

COMMITTEE REPORT

Johnson

Austin, Texas

5/28/61

Date of report to Senate

Presented by **William P. Hobby**
President of the Senate

to your Committee on NATIONAL RESOURCES to which was referred
Bill No. have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do pass and be printed.

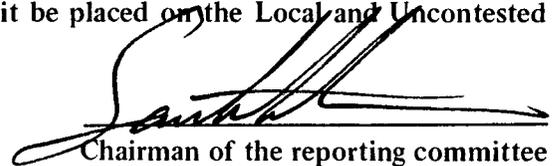
[Signature]
Chairman

**REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT**

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Pursuant to S.R. 148, notice is hereby given that HR 2381, by: Craddick/Snelson
was heard by the Committee on NATURAL RESOURCES on May 27, 1981,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.



Chairman of the reporting committee

**IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY
QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS
5:00 P.M. MONDAYS.**

ENROLLED

H.B. No. 2381

1 AN ACT
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Glasscock County Underground Water
4 Conservation District.

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

6 SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section
7 59, of the Texas Constitution, the Glasscock County Underground
8 Water Conservation District is created, as a governmental agency
9 and body politic and corporate, authorized to exercise the powers
10 essential to the accomplishment of the purposes of that
11 constitutional provision and to exercise the rights, powers,
12 duties, privileges, and functions provided by this Act and by
13 Chapters 51 and 52 of the Water Code, as amended, and by other laws
14 of this state relating to underground water conservation districts.
15 In this Act, "district" means the Glasscock County Underground
16 Water Conservation District.

17 SECTION 2. BOUNDARY OF THE DISTRICT. The boundaries of the
18 district include all of the area in Glasscock County, Texas, and
19 the boundaries of the district are identical to the boundaries of
20 that county.

21 SECTION 3. PURPOSE OF THE DISTRICT. The district is created
22 to provide for the conservation, preservation, protection,
23 recharge, and prevention of waste of the underground water
24 reservoirs located under district land consistent with the

1 objectives of Article XVI, Section 59, of the Texas Constitution
2 and Chapters 51 and 52 of the Water Code, as amended.

3 SECTION 4. POWERS AND DUTIES OF DISTRICT. The district may
4 exercise the powers, rights, privileges, and functions permitted by
5 Chapters 51 and 52 of the Water Code, as amended, including
6 authority to:

7 (1) make and enforce rules to provide for conserving,
8 preserving, protecting, recharging, and preventing waste of the
9 water from the underground water reservoirs that may be enforced by
10 injunction, mandatory injunction, or other appropriate remedies in
11 a court of competent jurisdiction;

12 (2) require permits for the drilling, equipping, and
13 completion of wells in the underground water reservoirs and issue
14 permits subject to terms and provisions with reference to the
15 drilling, equipping, and completion of the wells as may be
16 necessary to prevent waste or conserve, preserve, and protect
17 underground water;

18 (3) provide for the spacing of wells producing from the
19 underground water reservoirs and regulate the production from those
20 wells to minimize as far as practicable the drawdown of the water
21 table or the reduction of the artesian pressure, provided, the
22 owner of the land, his heirs, assigns, and lessees are not denied a
23 permit to drill a well on their land and the right to produce
24 underground water from that well subject to rules adopted under
25 this Act;

26 (4) require records to be kept and reports to be made of the
27 drilling, equipping, and completion of wells into any underground

1 water reservoir and the taking and use of underground water from
2 those reservoirs and require accurate driller's logs to be kept of
3 those wells and a copy of those logs and of any electric logs that
4 may be made of the wells to be filed with the district;

5 (5) acquire land for the erection of dams and for the
6 purpose of draining lakes, draws, and depressions, and construct
7 dams, drain lakes, depressions, draws, and creeks and install pumps
8 and other equipment necessary to recharge any underground water
9 reservoirs;

10 (6) have made by registered professional engineers surveys
11 of the underground water of any underground water reservoir and of
12 the facilities for the development, production, and use of that
13 underground water, determine the quantity of the underground water
14 available for production and use and the improvements,
15 developments, and recharges needed for those underground water
16 reservoirs;

17 (7) develop comprehensive plans for the most efficient use
18 of the underground water of any underground water reservoir and for
19 the control and prevention of waste of that underground water, with
20 the plans to specify in the amount of detail that may be
21 practicable the acts, procedure, performance, and avoidance that
22 are or may be necessary to effect those plans, including
23 specifications;

24 (8) carry out research projects, develop information, and
25 determine limitations, if any, that should be made on the
26 withdrawal of underground water from any underground water
27 reservoir;

1 (9) collect and preserve information regarding the use of
2 the underground water and the practicability of recharge of any
3 underground water reservoir;

4 (10) publish plans and information, bring them to the notice
5 and attention of the users of the underground water within the
6 district, and encourage their adoption and execution; and

7 (11) contract for, sell, and distribute water from a water
8 import authority, or other agency.

9 SECTION 5. ADMINISTRATIVE PROCEDURES. Except as otherwise
10 provided by this Act, the administrative and procedural provisions
11 of Chapters 51 and 52 of the Water Code, as amended, apply to the
12 district.

13 SECTION 6. INITIAL DIRECTORS. (a) The members of the
14 initial board of directors are:

- 15 (1) Lynn Glass;
16 (2) Hubert Frerich;
17 (3) Jerry Murphy;
18 (4) Jimmy Strube; and
19 (5) Dennis Seidenberger.

20 (b) The initial members of the board shall serve until their
21 successors have been elected and have qualified.

22 SECTION 7. CONFIRMATION OF THE DISTRICT. (a) It is found
23 that all of the land included within the boundaries of the district
24 will be benefited and that the district is created to serve a
25 public use and benefit.

26 (b) Within 30 days after the effective date of this Act and
27 without the necessity of having a petition presented, the initial

1 board of directors shall call an election to be held in the
2 district for the purpose of confirming the organization of the
3 district, provided the election is not held sooner than 60 days nor
4 later than 90 days after the election is ordered.

5 (c) The propositions to be voted on shall include the
6 question of whether or not the establishment of the district is
7 confirmed, the question of election of directors, the question of
8 levying, assessing, and collecting an ad valorem tax throughout the
9 district, and any other propositions required by this Act or by the
10 initial board of directors.

11 (d) Only qualified electors who reside in the district are
12 qualified to vote in the election.

13 (e) Notice of the election shall be published at least twice
14 in a newspaper of general circulation in the district, at least 30
15 days and at least ten days respectively, before the date of the
16 election.

17 (f) Returns of the election shall be made to the initial
18 board of directors of the district and the directors shall canvass
19 those returns and declare the results of the election.

20 (g) No hearings may be held to determine whether any land
21 included within the boundaries of the district should be excluded.

22 SECTION 8. TAX AND BOND PROVISIONS. The tax and bond
23 provisions of Chapters 51 and 52 of the Water Code, as amended,
24 apply to the district.

25 SECTION 9. DISSOLUTION OF THE DISTRICT. Chapter 52 of the
26 Water Code, as amended, applies to dissolution of the district.

27 SECTION 10. ANNEXATION. Additional territory may be added

1 to the district under Chapter 51 of the Water Code, as amended.
2 The directors shall determine to which precinct the annexed land
3 shall be added for purposes of election of directors.

4 SECTION 11. DIRECTOR ELECTIONS. (a) The district shall be
5 governed by a board of directors that consists of five directors.

6 (b) To be qualified for election as a director, a person
7 must be a resident of the district, own land subject to taxation in
8 the district, and be at least 21 years of age.

9 (c) One director shall be elected from each county
10 commissioners precinct in Glasscock County and one director shall
11 be elected at large.

12 (d) To be qualified for election as a director from a
13 precinct, a person must own land subject to taxation in the
14 precinct from which he is elected.

15 (e) The three directors receiving the highest number of
16 votes in the initial election shall serve as directors until the
17 three persons elected at the second regular election of directors
18 have qualified, and the other two directors shall serve until the
19 two persons elected at the first regular election of directors have
20 qualified. After the second election of directors, an election
21 shall be held each year with two directors elected one year and
22 three the next year in continuing sequence.

23 SECTION 12. STATUTORY INTERPRETATION. If there is a
24 conflict between this Act and Chapter 51 or 52 of the Water Code,
25 as amended, this Act controls. If there is a conflict between
26 Chapter 51, Water Code, as amended, and Chapter 52, Water Code, as
27 amended, Chapter 52 controls.

1 SECTION 13. EMERGENCY. The importance of this legislation
2 and the crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended,
6 and that this Act take effect and be in force from and after its
7 passage, and it is so enacted.

President of the Senate

Speaker of the House

I certify that H.B. No. 2381 was passed by the House on May 15, 1981, by the following vote: Yeas 145, Nays 1, 2 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2381 was transmitted to the Governor on May 8, 1981, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 14, 1981.

Chief Clerk of the House

I certify that H.B. No. 2381 was passed by the Senate on May 31, 1981, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

H. B. No. 2381

By Cullit

A BILL TO BE ENTITLED
AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Glasscock County Underground Water Conservation District.

~~MAY 8~~ MAY 8 1981

1. Filed with the Chief Clerk.

MAY 8 1981

2. Read first time and referred to Committee on

Natural Resources

MAY 8 1981

3. Reported favorably (~~as amended~~) and sent to Printer at 1:55 pm

MAY 8 1981

4. Printed and distributed at 3:38 pm.

MAY 8 1981

5. Sent to Committee on Calendars at LOCAL 4:09 pm.

MAY 15 1981

6. Read second time (~~amended~~); passed to third reading (~~failed~~) by (Non-Record Vote) (Record Vote of _____ years, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ years, _____ nays, and _____ present, not voting.

MAY 15 1981

9. Read third time (~~amended~~); finally passed (~~failed~~) by (Non-Record Vote) (Record Vote of 145 years, 1 nays, 2 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

MAY 15 1981

12. Ordered Engrossed at 2:58 pm

MAY 15 1981

13. Engrossed.

MAY 15 1981

14. Returned to Chief Clerk at 4:17 pm.

MAY 16 1981

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

MAY 18 1981

16. Received from the House

MAY 18 1981

17. Read, referred to Committee on NATURAL RESOURCES

MAY 28 1981

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) _____ years, _____ nays.)

1981 MAY -8 PM 3:28

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 31 1981

23. Read second time laid before Senate passed to third reading by: (a viva voce vote.) _____ yeas, _____ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 31 1981

25. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

MAY 31 1981

26. Read third time and passed by (a viva voce vote.) 31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

May 31, 1981

27. Returned to the House.

MAY 31 1981

28. Received from the Senate (with amendments) (as substituted.)

29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 31 1981

32. Ordered Enrolled at 5:37 pm