FILED May 5 1983

I certify that the attached is a true and correct copy of HB 2429, which was filed of record on MAY 5 1983 and referred to the committee on: Natural Resources

BY [signature] Kinojosa
Chief Clerk of the House

1983 MAY 23 PM 5:25
HOUSE OF REPRESENTATIVES

H.B. No. 2429

A BILL

TO BE ENTITLED

AN ACT AMENDING CHAPTER 623, ACTS OF THE 61ST LEGISLATURE, REGULAR SESSION, 1969, RELATING TO THE RIO GRANDE VALLEY MUNICIPAL WATER AUTHORITY, DELETING CERTAIN RESTRICTIONS UPON SAID AUTHORITY, TO-WIT, THE POWER TO DIVERT, IMPOUND, STORE, TREAT OR TRANSPORT WATER FOR AGRICULTURAL PURPOSES, AND PROVIDING WATER RIGHTS FROM THE RIO GRANDE RIVER; PROVIDING FOR SEVERABILITY OF THE ACT; AND DECLARING AN EMERGENCY

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

Section 1. Section 2 of Chapter 623, Acts of the 61st Legislature, Regular Session, 1969 (Article 8280-455, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Sec. 2. The Authority is authorized to acquire or construct within or without the boundaries of the Authority a dam or dams and all works, plants and other facilities necessary or useful for the purpose of diverting, impounding, storing, treating and transporting water to cities and others for municipal, domestic and industrial purposes or any of such facilities for any one or more such purposes. The size of any said dam and reservoir shall be determined by the board, taking into consideration probable future increases in water requirements. The Authority is empowered to purchase, sell or transport for others water within and without the boundaries of the Authority. It is further empowered and authorized to develop or otherwise acquire underground sources of water. ~~It is specifically provided that the~~

~~--Authority--shall--not--be--empowered--to--divert,----impound,--store,--treat--or--transport--water--for--agricultural-irrigation.~~ The Authority shall not have authority to levy taxes."

Section 2. Section 7 of Chapter 623, Acts of the 61st Legislature, Regular Session, 1969 (Article 8280-455, Vernon's Texas Civil Statutes) is hereby amended to read as follows:

"Sec. 7. The Authority is empowered to obtain through appropriate proceedings appropriating permits and diversion permits from the Texas Water ~~Rights~~ Commission, as provided ~~in-Chapter-1,-Title 128,--Revised--Civil--Statutes,--1925~~, [by and in accordance with the Texas Water Code], as amended~~,--provided-that-no-additional-water-rights-will-be-appropriated-by-the-Authority-from-the-Rio-Grande~~. The Authority is authorized to acquire water appropriation permits from owners of permits through contracting. The Authority is hereby empowered to lease or acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation or public agency or from the United States government or any of its agencies."

Section 3. In case any one or more of the subparagraphs, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof, to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

Section 4. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of Article XVI, Section 59(d) of the Texas Constitution, has been made in the manner provided therein and a copy of said notice and the bill as originally introduced have been delivered to the Governor of the State of Texas as required in such constitutional provision, and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements.

Section 5. The fact that the restrictions deleted by this Act are urgently required in order to enable said Authority to provide needed public improvements, and 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

RIO GRANDE HERALD PUBLISHING CO., INC.

P. O. Box 452 • Rio Grande City, Tx 78582

Publishers of

THE RIO GRANDE HERALD

Atlas & Hall
P.O. Drawer 3725
McAllen, Texas 78501

DATE	CHARGES	CREDITS	BALANCE
85MAR 31	18.10		18.10

DS — Display Local
AL — Legal
CS — Classified
NT — National

P — Pictures
CR — Cash Receipts
S — Circulars
CM — Credit Memo

PLEASE PAY
LAST AMOUNT
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PUBLISHERS RETURN AND ALL BILL OF COSTS

THE STATE OF TEXAS
COUNTY OF STARR

Before me, the undersigned authority, on this day personally appeared James V. Mathis, to me well known who being by me duly sworn upon his oath deposes and states that he is the President of the Rio Grande Herald Publishing Co., Inc., publishers of the Rio Grande Herald. ; that the same is a newspaper of general circulation that has been continuously and regularly published in the Rio Grande City, County of Starr, State of Texas, for many years prior to the date of this affidavit; that the newspaper clipping attached hereto and made a part hereof represents and is a complete true and correct copy of a

NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE
STATE OF TEXAS(To eliminate the restrictuions upon the Rio Grande Valley Municipal Water Authority

as the same was published and appeared in all copies of said newspaper of the following dates of publication and issues, to-wit .....MARCH 31, 1983..... ; and that the amount legaly due said Rio Grande Herald Publishing Co. for making aforesaid publication is the sum of $..18.10....

James V. Mathis
.....

Sworn to and subscribed before me on this .....31st..... day of .....March....., 1983.

.....
Notary Public in and for Hidalgo County, Texas

Rosa Maria Briseno

Notice Of Intention To Introduce A Bill In The Legislature
THE STATE OF TEXAS:
Counties of Cameron, Hidalgo, Starr and Willacy:

NOTICE is hereby given that the undersigned intends to request the introduction of a bill in the 1983 Regular Session of the Sixty-Eigth Legislature of the State of Texas, the general purpose, nature, and substance of which is as follows:

The bill will eliminate the restrictions upon the Rio Grande Valley Municipal Water Authority relating to the diversion, impoundm,ent, storage, treament or transportation of water for agricultural purposes and the appropriation of water rights from the Rio Grande River.

Said general description of the provisions to be contained in such bill is not intended to be exclusive, but only to express the general purpose, nature, and substance thereof. The Bill also will contain other provisions and confer other powers in connection with the general purpose, nature, and substance stated above.

This notice is given in accordance with the requirements of Section 59(d) of Article 16 of the Texas Constitution.

Paul Veale, President
Rio Grande Valley
Municipal
Water Authority

NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE

THE STATE OF TEXAS:
COUNTIES OF CAMERON, HIDALGO, STARR AND WILLACY:

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This notice is given in accordance with the requirements of Section 59 (d) of Article 16 of the Texas Constitution.

Paul Veale, President
Rio Grande Valley Municipal
Water Authority

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF CAMERON

LUCY MALDONADO, being duly sworn on her oath states that she is the bookkeeper of "THE VALLEY MORNING STAR" and that the attached NOTICE OF INTENTION TO INTRODUCE A BILL appeared in the following issues MARCH 25, 1983.

Lucy Maldonado

Subscribed and sworn before this 6 day of APRIL A. D. 197 83.

Nelia Armstrong
NOTARY PUBLIC, Cameron County

HOUSE COMMITTEE REPORT

1st Printing

1989 MAY 23 PM 9 21
HOUSE OF REPRESENTATIVES

By Hinojosa H.B. No. 2429

A BILL TO BE ENTITLED

AN ACT

amending Chapter 623, Acts of the 61st Legislature, Regular Session, 1969, relating to the Rio Grande Valley Municipal Water Authority, deleting certain restrictions upon said authority, to-wit, the power to divert, impound, store, treat or transport water for agricultural purposes, and providing water rights from the Rio Grande River; providing for severability of the Act; and declaring an emergency.

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

SECTION 1. Section 2 of Chapter 623, Acts of the 61st Legislature, Regular Session, 1969 (Article 8280-455, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Sec. 2. The Authority is authorized to acquire or construct within or without the boundaries of the Authority a dam or dams and all works, plants and other facilities necessary or useful for the purpose of diverting, impounding, storing, treating and transporting water to cities and others for municipal, domestic and industrial purposes or any of such facilities for any one or more such purposes. The size of any said dam and reservoir shall be determined by the board, taking into consideration probable future increases in water requirements. The Authority is empowered to purchase, sell or transport for others water within and without the boundaries of the Authority. It is further empowered and authorized to develop or otherwise acquire underground sources of

water. [~~It is specifically provided that the Authority shall not be empowered to divert, impound, store, treat or transport water for agricultural irrigation.~~] The Authority shall not have authority to levy taxes."

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"Sec. 7. The Authority is empowered to obtain through appropriate proceedings appropriating permits and diversion permits from the Texas Water [~~Rights~~] Commission, as provided [~~in Chapter 1, Title 128, Revised Civil Statutes, 1925~~], [by and in accordance with the Texas Water Code], as amended[~~, provided that no additional water rights will be appropriated by the Authority from the Rio Grande~~]. The Authority is authorized to acquire water appropriation permits from owners of permits through contracting. The Authority is hereby empowered to lease or acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation or public agency or from the United States government or any of its agencies."

SECTION 3. In case any one or more of the subparagraphs, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof, to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied

as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

SECTION 4. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of Article XVI, Section 59(d) of the Texas Constitution, has been made in the manner provided therein and a copy of said notice and the bill as originally introduced have been delivered to the Governor of the State of Texas as required in such constitutional provision, and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements.

SECTION 5. The fact that the restrictions deleted by this Act are urgently required in order to enable said Authority to provide needed public improvements, and 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE REPORT

5-23-83
(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON NATURAL RESOURCES, to whom was referred H.B. 2427 (measure) have had the same under consideration and beg to report back with the recommendation that it

(✓) do pass, without amendment.
( ) do pass, with amendment(s).
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested: ( ) yes (✓) no

An author's fiscal statement was requested. (✓) yes ( ) no

An actuarial analysis was requested. ( ) yes (✓) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or (Consent) Calendar.

This measure ( ) proposes new law.
(✓) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Craddick, Ch.	✓			
Tow, V.C.				✓
Geistweidt, C.B.O	✓			
Buchanan	✓			
Grisham	✓			
Jones	✓			
Kemp				✓
Martinez, R.				✓
Staniswalis	✓			

Total
6 aye
0 nay
0 present, not voting
3 absent

[signature]
CHAIRMAN

[signature]
COMMITTEE COORDINATOR

H.B. 2429
By: Hinojosa

Committee on Natural Resources

BILL ANALYSIS

Background Information

Presently, the Rio Grande Valley Municipal Water Authority is prohibited from diverting, impounding, storing, treating, or transporting water for agricultural irrigation. Additionally, the Authority is prohibited from appropriating additional water rights from the Rio Grande.

Purpose

H.B. 2429 would delete the following prohibitions from the Authority's Act:

1. The prohibition to divert, impound, store, treat, or transfer water for agricultural irrigation, and

2. the prohibition against appropriating additional water rights from the Rio Grande.

Section by Section Analysis

Section 1: Deletes the prohibition preventing the Authority from diverting, impounding, storing, treating, or transporting water for agricultural irrigation.

Section 2: Deletes the prohibition preventing the Authority from obtaining additional water rights from the Rio Grande.

Section 3: Severability clause.

Section 4: Provides that the publication required by the Constitution has been complied.

Section 5: Emergency clause.

Rulemaking Authority

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department, or institution.

Summary of Committee Action

The rules of the House having been suspended, H.B. 2429 was considered in a formal meeting by the Committee on Natural Reosurces on May 23, 1983. It was moved that H.B. 2429 be reported back to the House with the recommendation that it do pass and be printed and be placed on the Local Calendar. Upon being duly seconded, the motion was adopted with a vote of six ayes and no nays and three absent. No one testified for or against the bill.

JUAN J. HINOJOSA
District 41
P.O. Box 2910
Austin, Texas 78769
(512) 475-2849

State of Texas
House of Representatives

Committees:
Appropriations
Chairman, Budget and
Oversight for Judicial Affairs

May 23, 1983

The Honorable Tom Craddick, Chairman
House Natural Resources Committee
Reagan Building, Room 107

Dear Chairman Craddick:

In response to the request for an author's fiscal statement for House Bill 2429, I am complying by computing the following:

No fiscal implication involved with HB 2429

since the purpose of the bill is to delete certain restrictions upon the Rio Grande Valley Municipal Water Authority, to-wit, the power to divert, impound, store, treat or transport water for agricultural purposes, and providing water rights from the Rio Grande River; providing for severability of the act; and declaring an emergency.

If you have any questions, please contact me.

Sincerely,

Juan J. Hinojosa

Juan J. Hinojosa
State Representative

JJH:lv

3

Cute Amendment #1

Approved 5-24-83 Gerald Hill

H.B. 2429
by Hinojosa

Amend H.B. 2429 by adding new Sections 3 and 4, and renumbering the subsequent sections accordingly.

SECTION 3. Subsections (a) and (b), Section 4, Chapter 623, Acts of the 61st Legislature, Regular Session, 1969, are amended to read as follows:

(a) All powers of the Authority shall be exercised by a board of directors (herein called "board"), having eight [seven] members who[,--each--of--whom--shall] serve for staggered terms [a term] of two years, with the terms of four members expiring April 30 of each year [except--for--the--directors-herein-named.--The initial-members-of-the-board-of-directors-shall--be--the--following persons--whose--terms--of--office--shall--terminate--on--the--dates indicated,-to-wit:

[Paul-G.-Veale,-April-30,-1970,

[Leonel-Garza,-April-30,-1970,

[Maurice-Bell,-April-30,-1970,

[M.-T.-Hodes,-April-30,-1971,

[Frank-N.-Boggus,-April-30,-1971,

[Charles-H.-Washmon,-April-30,-1971,

[J.-M.-Longoria,-Jr.,-April-30,-1971].

(b) In April [of--1970--and--in--April] of each year [thereafter] the Governor shall appoint the directors to succeed the directors whose terms are about to expire. Any vacancy shall be filled for the unexpired term by appointment by the Governor. There shall always be three directors who are residents of Hidalgo County, three [two] directors who are residents of Cameron County, one director who is a resident of Starr County, and one director who is a resident of Willacy County.

SECTION 4. As soon as possible after this Act takes effect, the governor shall appoint the initial third director to represent Cameron County for a term that expires on April 30, 1984.

ADOPTED

MAY 27 1983

Betty Murray
Chief Clerk
House of Representatives

1989 MAY 27 PM 6:03
HOUSE OF REPRESENTATIVES

ENGROSSED
THIRD READING

By Hinojosa H.B. No. 2429

A BILL TO BE ENTITLED

AN ACT

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water. [~~It is specifically provided that the Authority shall not be empowered to divert, impound, store, treat or transport water for agricultural irrigation.~~] The Authority shall not have authority to levy taxes.

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SECTION 4. As soon as possible after this Act takes effect, the governor shall appoint the initial third director to represent Cameron County for a term that expires on April 30, 1984.

SECTION 5. In case any one or more of the subparagraphs, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections,

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COMMITTEE REPORT FORM

Austin, Texas

5/28/83
Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Administration to which was referred HB No. 2429 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.

Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Pursuant to S.R. 148, notice is hereby given that HB 2429, by: Hinojosa/Uribe was heard by the Committee on Administration on 5/28, 1983 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.

Attach white copy of this form to original bill; yellow copy to Reporting Committee; pink copy to Sponsor

ENROLLED

H.B. No. 2429

AN ACT

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SECTION 5. In case any one or more of the subparagraphs, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections,

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President of the Senate

Speaker of the House

I certify that H.B. No. 2429 was passed by the House on May 27, 1983, by the following vote: Yeas 141, Nays 0, 1 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. 2429 was transmitted to the Governor on May 5, 1983, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 16, 1983.

Chief Clerk of the House

I certify that H.B. No. 2429 was passed by the Senate on May 30, 1983, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

_____

Governor

H. B. No. 2429

By Juan J. Hinojosa

A BILL TO BE ENTITLED

AN ACT

relating to the Rio Grande Valley Municipal Water Authority, deleting certain restrictions upon said Authority, to-wit, the power to divert, impound, store, treat or transport water for agricultural purposes, and providing water rights from the Rio Grande River; providing for severability of the Act; and declaring an emergency.

MAY 5 1983 — 1. Filed with the Chief Clerk.

MAY 9 1983 — 2. Read first time and Referred to Committee on Natural Resources

5/23/83 — 3. Reported ___ favorably ~~(as amended)~~ ~~(as substituted)~~ and sent to Printer at 5:45 pm MAY 23 1983

MAY 23 1983 — 4. Printed and distributed at 9:21 p.m.

MAY 24 1983 — 5. Sent to Committee on Calendars at LTC 8:55 AM

MAY 27 1983 — 6. Read second time (amended); passed to third reading ~~(failed)~~ by (Non-Record Vote) ~~(Record Vote of _____ yeas, _____ 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 _____ yeas, _____ 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 _____ yeas, _____ nays, and _____ present, not voting.

MAY 27 1983 — 9. Read third time (~~amended~~); finally passed (~~failed~~) by (~~Non-Record Vote~~) (Record Vote of 141 yeas, 0 nays, 1 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 _____ yeas, _____ nays, and _____ present, not voting).

MAY 27 1983 — 12. Ordered Engrossed at 2:41 pm

MAY 27 1983 — 13. Engrossed.

MAY 27 1983 — 14. Returned to Chief Clerk at 6:09 p.m.

MAY 27 1983 — 15. Sent to Senate.

Betty Murray
Chief Clerk of the House

MAY 27 1983 — 16. Received from the House

MAY 28 1983 — 17. Read, referred to Committee on ADMINISTRATION

MAY 28 1983 — 18. Reported favorably

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

MAY 28 1983 — 20. Ordered not printed.

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

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

Laid before Senate

MAY 30 1983 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

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

MAY 30 1983 25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 1 nays to place bill on third reading and final passage.

MAY 30 1983 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

5-30-83 27. Returned to the House.

MAY 30 1983 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 30 1983 32. Ordered Enrolled at 10:50 AM

1983 MAY 23 PM 9:20
HOUSE OF REPRESENTATIVES

1983 MAY 27 PM 6:03
HOUSE OF REPRESENTATIVES

NR