A BILL TO BE ENTITLED
AN ACT
relating to the creation, administration, powers, duties, operation, and financing of the Collingsworth County Underground Water Conservation District.

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

SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution the Collingsworth County Underground Water Conservation District is created as a governmental agency and body politic and corporate, authorized to exercise the powers essential to the accomplishment of the purposes of that constitutional provision and to exercise the rights, powers, duties, privileges, and functions provided by this Act and by Chapters 51 and 52, Water Code, and by other laws of this state relating to underground water conservation districts.

SECTION 2. DEFINITION. In this Act, "district" means the Collingsworth County Underground Water Conservation District.

SECTION 3. BOUNDARY OF DISTRICT. The district includes all of the territory located in Collingsworth County.

SECTION 4. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Water Code.
SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may
exercise the powers, rights, privileges, and functions permitted by
 Chapters 51 and 52, Water Code, and may:

(1) make and enforce rules to provide for conserving,
preserving, protecting, recharging, and preventing waste of the
water from the underground water reservoirs;

(2) enforce its rules by injunction, mandatory injunction,
or other appropriate remedies in a court of competent jurisdiction;

(3) require permits for the drilling, equipping, and
completion of wells in the underground water reservoirs in the
district and issue permits that include terms and provisions with
reference to the drilling, equipping, and completion of the wells
that are necessary to prevent waste or conserve, preserve, and
protect underground water;

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

(5) require records to be kept and reports to be made of the
drilling, equipping, and completion of wells into any underground
water reservoir in the district and the taking and use of
underground water from those reservoirs and require accurate
driller's logs to be kept of those wells and a copy of those logs
and of any electric logs that may be made of the wells to be filed with the district;

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

(7) have made by registered professional engineers surveys of the underground water of any underground water reservoir in the district and of the facilities for the development, production, and use of that underground water and determine the quantity of the underground water available for production and use and the improvements, developments, and recharges needed for those underground water reservoirs;

(8) develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir in the district and for the control and prevention of waste of that underground water, with the plans to specify in the amount of detail that may be practicable, the acts, procedure, performance, and avoidance that are or may be necessary to carry out those plans, including specifications;

(9) carry out research projects, develop information, and determine limitations, if any, that should be made on the withdrawal of underground water from any underground water reservoir in the district;

(10) collect and preserve information regarding the use of the underground water and the practicability of recharge of any
underground water reservoir in the district;
(11) publish plans and information, bring them to the notice
and attention of the users of the underground water in the
district, and encourage their adoption and execution; and
(12) contract for, sell, and distribute water from a water
import authority or other agency.

SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
this Act, the administrative and procedural provisions of Chapters
51 and 52, Water Code, apply to the district.

SECTION 7. FINANCIAL RECORDS. (a) In addition to other
requirements provided by law, the district shall file with the
county treasurer of Collingsworth County copies of all audits,
orders of the board of directors, and other documents relating to
district finances. The copies shall be filed within 60 days after
the audits are completed, the orders are adopted, or the other
documents are finalized.

(b) The county treasurer shall maintain copies of all
audits, orders, and other documents at his main office and shall
make them available for public inspection during regular office
hours.

SECTION 8. INITIAL DIRECTORS. (a) Within 15 days after the
effective date of this Act, the Commissioners Court of
Collingsworth County shall appoint five persons to serve as the
initial board of directors of the district.

(b) If any person appointed as one of the initial directors
fails to qualify for office, the commissioners court shall appoint
another person to fill the position.
(c) The initial members of the board of directors shall serve until their successors have been elected and have qualified.

SECTION 9. CONFIRMATION OF DISTRICT. (a) The legislature finds that all of the land included within the boundaries of the district will be benefited and that the district is created to serve a public use and benefit.

(b) Within 60 days after the effective date of this Act and without the necessity of having a petition presented, the initial board of directors shall call an election to be held in the district for the purpose of confirming the organization of the district, provided the election is not held sooner than 90 days nor later than 120 days after the election is ordered.

(c) The ballot for the election shall be printed to provide for voting for or against the following propositions:

(1) the creation of the Collingsworth County Underground Water Conservation District; and

(2) the levy and collection of a property tax in the district.

(d) The initial board of directors may include any other propositions on the ballot that it considers necessary.

(e) The ballot also shall provide for election of directors for the district. A person who desires to have his name printed on the ballot as a candidate for director shall file a petition with the initial board of directors before the 30th day preceding the date of the election. If a person is a candidate for director from a particular commissioner's precinct, he shall designate the commissioner's precinct that he desires to represent.
(f) Only qualified electors who reside in the district are qualified to vote in the election.

(g) Notice of the election shall be published at least twice in a newspaper of general circulation in the district, at least 30 days and at least 10 days respectively, before the date of the election.

(h) Returns of the result of the election shall be made to the initial board of directors of the district and the directors shall canvass those returns and declare the results of the election.

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

SECTION 10. TAXES AND BONDS. The tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter 52, Water Code, applies to dissolution of the district.

SECTION 12. ANNEXATION. Additional territory may be added to the district as provided by Chapter 51, Water Code. The board of directors shall determine to which precinct the annexed land will be added for purposes of election of directors.

SECTION 13. DIRECTOR ELECTIONS. (a) The district shall be governed by a board of directors that consists of five directors.

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 18 years of age.

(c) One director shall be elected from each county commissioners precinct in Collingsworth County and one director shall be elected from the district at large. To represent a
commissioners precinct, the director must be a resident of the precinct.

(d) Directors serve staggered four-year terms.

(e) After the election of directors at the confirmation election held under Section 9 of this Act, regular elections for a portion of the board of directors shall be held in each even-numbered year. The directors elected from commissioners precincts 1 and 3 and the director elected at large at the confirmation election shall serve as directors until the first regular meeting of the board after the second regular election of directors, and the directors elected from commissioners precincts 2 and 4 at the confirmation election shall serve until the first regular meeting of the board after the first regular election of directors.

SECTION 14. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this Act controls. If there is a conflict between the application of Chapter 51, Water Code, and Chapter 52, Water Code, to the district, Chapter 52 controls.

SECTION 15. EMERGENCY. 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.
IN THE MATTER OF

Bill will be introduced 69th Leg.,
relating to groundwater by a special
district in Collingsworth County

The State of Texas,
County of Collingsworth.

Henry Wells, being duly sworn, says that he is
publisher of The Wellington Leader, a newspaper of
general circulation which has been continuously and
regularly published for a period of not less than one
year in the County of Collingsworth, State of Texas,
preceding the date of the attached notice, and that the
said notice was published in said paper as follows:

First Insertion ________________________
Second Insertion ________________________
Third Insertion ________________________
Fourth Insertion ________________________

Subscribed and sworn to before me this day of January, 1985
(SEAL)

Notary Public, Collingsworth, County, Texas

My commission expires ________________________
LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES
STATE OF TEXAS

TO: The Honorable Mark White
    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. 1148, 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 once for you to forward to the Texas Department of Water Resources, under Section 59(d), Article XVI, Constitution of the State of Texas.

FEB 25 1985
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. 1148, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

February 26, 1985
Date transmitted to
Texas Department of Water Resources

Mark White
Governor

TO: The Honorable Gibson D. “Gib” Lewis
    Speaker of the House

    The Honorable W.P. Hobby
    President of the Senate

    The Honorable Mark White
    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. 1148, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

Charles Nemir
Executive Director
A BILL TO BE ENTITLED

AN ACT
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water reservoir in the district and the taking and use of
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with the district;

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

(7) have made by registered professional engineers surveys
of the underground water of any underground water reservoir in the
district and of the facilities for the development, production, and
use of that underground water and determine the quantity of the
underground water available for production and use and the
improvements, developments, and recharges needed for those
underground water reservoirs;

(8) develop comprehensive plans for the most efficient use
of the underground water of any underground water reservoir in the
district and for the control and prevention of waste of that
underground water, with the plans to specify in the amount of
detail that may be practicable, the acts, procedure, performance,
and avoidance that are or may be necessary to carry out those
plans, including specifications;

(9) carry out research projects, develop information, and
determine limitations, if any, that should be made on the
withdrawal of underground water from any underground water
reservoir in the district;

(10) collect and preserve information regarding the use of
the underground water and the practicability of recharge of any
underground water reservoir in the district;

(11) publish plans and information, bring them to the notice
and attention of the users of the underground water in the
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another person to fill the position.
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(b) Within 60 days after the effective date of this Act and without the necessity of having a petition presented, the initial board of directors shall call an election to be held in the district for the purpose of confirming the organization of the district, provided the election is not held sooner than 90 days nor later than 120 days after the election is ordered.

(c) The ballot for the election shall be printed to provide for voting for or against the following propositions:

1. the creation of the Collingsworth County Underground Water Conservation District; and
2. the levy and collection of a property tax in the district.

(d) The initial board of directors may include any other propositions on the ballot that it considers necessary.

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(h) Returns of the result of the election shall be made to the initial board of directors of the district and the directors shall canvass those returns and declare the results of the election.

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(c) One director shall be elected from each county commissioners precinct in Collingsworth County and one director shall be elected from the district at large. To represent a
commissioners precinct, the director must be a resident of the
precinct.

(d) Directors serve staggered four-year terms.

(e) After the election of directors at the confirmation
election held under Section 9 of this Act, regular elections for a
portion of the board of directors shall be held in each
even-numbered year. The directors elected from commissioners
precincts 1 and 3 and the director elected at large at the
confirmation election shall serve as directors until the first
regular meeting of the board after the second regular election of
directors, and the directors elected from commissioners precincts 2
and 4 at the confirmation election shall serve until the first
regular meeting of the board after the first regular election of
directors.

SECTION 14. STATUTORY INTERPRETATION. If there is a
conflict between this Act and Chapter 51 or 52, Water Code, this
Act controls. If there is a conflict between the application of
Chapter 51, Water Code, and Chapter 52, Water Code, to the
district, Chapter 52 controls.

SECTION 15. EMERGENCY. 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

The Honorable Gib Lewis
Speaker of the House of Representatives

March 26, 1985

Sir:

We, your COMMITTEE ON NATURAL RESOURCES, to whom was referred H.B. 1148 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. (X) yes ( ) no
An actuarial analysis was requested. ( ) yes (X) no

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

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

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

House Sponsor of Senate Measure ________________

The measure was reported from Committee by the following vote:

<table>
<thead>
<tr>
<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craddock, Ch.</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Shaw, V.C.</td>
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<td></td>
<td></td>
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<tr>
<td>Geistweidt, C.B.O.</td>
<td>X</td>
<td></td>
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<tr>
<td>Buchanan</td>
<td>X</td>
<td></td>
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<tr>
<td>Clark</td>
<td>X</td>
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<tr>
<td>Godwin</td>
<td>X</td>
<td></td>
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<tr>
<td>Harris, J.</td>
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<td></td>
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<tr>
<td>Roberts</td>
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<td></td>
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<tr>
<td>Staniswals</td>
<td>X</td>
<td></td>
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</tbody>
</table>

Total: 9 aye 0 nay 0 present, not voting 0 absent

Chairman

COMMITTEE COORDINATOR
BILL ANALYSIS

Background Information

It is believed that an underground water conservation district should be formed in Collingsworth County.

Purpose of the Bill

Creates the Collingsworth County Underground Water Conservation District.

Section by Section Analysis

Section 1: Provides for the creation of the Collingsworth County Underground Water Conservation District.

Section 2: Defines "district" to mean Collingsworth County Underground Water Conservation District.

Section 3: Provides that the territory within the district shall be coterminous with the territory of Collingsworth County.

Section 4: Provides that the purpose of the district is to conserve, preserve, protect, recharge and prevent waste of underground water reservoirs located within the district.

Section 5: Provides for the powers and duties of the district including:

(1) the authority to make rules;
(2) the authority to enforce rules;
(3) requiring permits for the drilling, equipping, and completion of wells within the district and to issue permits that include terms and provisions for said activities that are necessary to prevent waste or conserve, preserve and protect underground water;
(4) regulating the spacing of wells and regulating the production from the wells; provided that the owner of the land, his heirs, assigns, and lessees are not to be denied a permit to drill a well on their land and the right to produce water from that well subject to the rules adopted under the Act;
(5) requires records to be kept and reports to be made of the drilling, equipping and completion of wells and the taking and use of underground water and further requires accurate driller logs be kept of the wells and to be filed with the district;
(6) authorizes the district to acquire land for the erection of dams and draining lakes, draws and depressions; to construct dams, to drain lakes, depressions, draws and creeks; and install pumps and other equipment necessary to recharge any underground water reservoirs in the district;
(7) to have surveys made of the underground water and the facilities for the development, production and use of water and to determine the quantity of underground water available for production and the improvements, developments and recharges needed for underground water reservoirs;
(8) to develop comprehensive plans for the most efficient use of underground water and for the control and prevention of waste of that ground-water;
(9) to carry out research projects, develop information and determine limitations that should be made on the withdrawal of underground water;
(10) to collect and preserve information regarding the use of underground water and the practicability of recharge of any underground water reservoir;
(11) to publish plans and information and bring them to the attention of the users of underground water in the district and to encourage their adoption and execution; and
(12) to contract for, sell, and distribute water from a water import authority or other agency.

Section 6: Provides that the administrative and procedural provisions of Chapter 51 and 52 shall apply to the district.

Section 7: Provides that the district shall file with the county treasurer of Collingsworth County copies of all audits, orders of the board, and other documents relating to district finances, and requires the treasurer to maintain copies and to make them available for public inspection.

Section 8: Provides that the commissioners court of Collingsworth County shall appoint five persons to serve as the initial board of directors and provides for the filling of vacancies.

Section 9: Requires a confirmation election and provides for election of directors for the district.

Section 10: Provides that the tax and bond provisions of Chapter 51 and 52 of the Water Code apply to the district.

Section 11: Provides that Subchapter G of Chapter 52, Water Code, applies with respect to dissolution of the district.

Section 12: Provides that additional territory may be added to the district pursuant to the annexation provisions found in Chapter 51.

Section 13: Provides for election of five directors, with one director to be elected at large and the other four directors to be elected from areas conterminous with the county commissioner precincts. Further provides for four-year staggered terms.

Section 14: Provides that to the extent of any conflict between the laws found in Chapter 51 and 52, Water Code, the provisions of Chapter 52 will control, and to the extent the provisions of this Act conflict with either one of those chapters, the provisions of the Act will prevail.

Section 15: 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 Committee on Natural Resources heard H.B. 1148 in public hearing on March 26, 1985. It was moved that H.B. 1148 do pass without amendments and that it be placed on the local calendar. Upon being duly seconded, the motion was adopted with a vote of nine ayes, no nays, no present-not-voting, and none absent.
Honorable Tom Craddick, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Bill No. 1148
By: Whaley

Sir:

In response to your request for a Fiscal Note on House Bill No. 1148 (relating to the creation, administration, powers, duties, operation, and financing of the Collingsworth County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State 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.

Jim Oliver
Director

Source: LBB Staff: JO, JH, AL, DS
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pressure, provided, the owner of the land, his heirs, assigns, and
lessees are not denied a permit to drill a well on their land and
the right to produce underground water from that well subject to
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(8) develop comprehensive plans for the most efficient use
of the underground water of any underground water reservoir in the
district and for the control and prevention of waste of that
underground water, with the plans to specify in the amount of
detail that may be practicable, the acts, procedure, performance,
and avoidance that are or may be necessary to carry out those
plans, including specifications;

(9) carry out research projects, develop information, and
determine limitations, if any, that should be made on the
withdrawal of underground water from any underground water
reservoir in the district;

(10) collect and preserve information regarding the use of
the underground water and the practicability of recharge of any
underground water reservoir in the district;

(11) publish plans and information, bring them to the notice and attention of the users of the underground water in the district, and encourage their adoption and execution; and

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

SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by this Act, the administrative and procedural provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 7. FINANCIAL RECORDS. (a) In addition to other requirements provided by law, the district shall file with the county treasurer of Collingsworth County copies of all audits, orders of the board of directors, and other documents relating to district finances. The copies shall be filed within 60 days after the audits are completed, the orders are adopted, or the other documents are finalized.

(b) The county treasurer shall maintain copies of all audits, orders, and other documents at his main office and shall make them available for public inspection during regular office hours.

SECTION 8. INITIAL DIRECTORS. (a) Within 15 days after the effective date of this Act, the Commissioners Court of Collingsworth County shall appoint five persons to serve as the initial board of directors of the district.

(b) If any person appointed as one of the initial directors fails to qualify for office, the commissioners court shall appoint another person to fill the position.
(c) The initial members of the board of directors shall serve until their successors have been elected and have qualified.

SECTION 9. CONFIRMATION OF DISTRICT. (a) The legislature finds that all of the land included within the boundaries of the district will be benefited and that the district is created to serve a public use and benefit.

(b) Within 60 days after the effective date of this Act and without the necessity of having a petition presented, the initial board of directors shall call an election to be held in the district for the purpose of confirming the organization of the district, provided the election is not held sooner than 90 days nor later than 120 days after the election is ordered.

(c) The ballot for the election shall be printed to provide for voting for or against the following propositions:

(1) the creation of the Collingsworth County Underground Water Conservation District; and

(2) the levy and collection of a property tax in the district.

(d) The initial board of directors may include any other propositions on the ballot that it considers necessary.

(e) The ballot also shall provide for election of directors for the district. A person who desires to have his name printed on the ballot as a candidate for director shall file a petition with the initial board of directors before the 30th day preceding the date of the election. If a person is a candidate for director from a particular commissioner's precinct, he shall designate the commissioner's precinct that he desires to represent.
(f) Only qualified electors who reside in the district are qualified to vote in the election.

(g) Notice of the election shall be published at least twice in a newspaper of general circulation in the district, at least 30 days and at least 10 days respectively, before the date of the election.

(h) Returns of the result of the election shall be made to the initial board of directors of the district and the directors shall canvass those returns and declare the results of the election.

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

SECTION 10. TAXES AND BONDS. The tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter 52, Water Code, applies to dissolution of the district.

SECTION 12. ANNEXATION. Additional territory may be added to the district as provided by Chapter 51, Water Code. The board of directors shall determine to which precinct the annexed land will be added for purposes of election of directors.

SECTION 13. DIRECTOR ELECTIONS. (a) The district shall be governed by a board of directors that consists of five directors.

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 18 years of age.

(c) One director shall be elected from each county commissioners precinct in Collingsworth County and one director shall be elected from the district at large. To represent a
commissioners precinct, the director must be a resident of the
precinct.
(d) Directors serve staggered four-year terms.
(e) After the election of directors at the confirmation
election held under Section 9 of this Act, regular elections for a
portion of the board of directors shall be held in each
even-numbered year. The directors elected from commissioners
precincts 1 and 3 and the director elected at large at the
confirmation election shall serve as directors until the first
regular meeting of the board after the second regular election of
directors, and the directors elected from commissioners precincts 2
and 4 at the confirmation election shall serve until the first
regular meeting of the board after the first regular election of
directors.

SECTION 14. STATUTORY INTERPRETATION. If there is a
conflict between this Act and Chapter 51 or 52, Water Code, this
Act controls. If there is a conflict between the application of
Chapter 51, Water Code, and Chapter 52, Water Code, to the
district, Chapter 52 controls.

SECTION 15. EMERGENCY. 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.
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
March 25, 1985

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

In Re: House Bill No. 1148
By: Whaley

Sir:

In response to your request for a Fiscal Note on House Bill No. 1148 (relating to the creation, administration, powers, duties, operation, and financing of the Collingsworth County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State 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.

Jim Oliver
Director

Source: LBB Staff: JO, JH, AL, DS

69FHB1148
A BILL TO BE ENTITLED
AN ACT

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

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

SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution the Collingsworth County Underground Water Conservation District is created as a governmental agency and body politic and corporate, authorized to exercise the powers essential to the accomplishment of the purposes of that constitutional provision and to exercise the rights, powers, duties, privileges, and functions provided by this Act and by Chapters 51 and 52, Water Code, and by other laws of this state relating to underground water conservation districts.

SECTION 2. DEFINITION. In this Act, "district" means the Collingsworth County Underground Water Conservation District.

SECTION 3. BOUNDARY OF DISTRICT. The district includes all of the territory located in Collingsworth County.

SECTION 4. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Water Code.

SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may exercise the powers, rights, privileges, and functions permitted by Chapters 51 and 52, Water Code, and may:

(1) make and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs;

(2) enforce its rules by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction;

(3) require permits for the drilling, equipping, and completion of wells in the underground water reservoirs in the district and issue permits that include terms and provisions with reference to the drilling, equipping, and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water;

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

(5) require records to be kept and reports to be made of the drilling, equipping, and completion of wells into any underground water reservoir in the district and the taking and use of underground water from those reservoirs and require driller's logs to be kept of those wells and a copy of those logs and any of electric logs that may be made of the wells to be filed with the district;

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

(7) have made by registered professional engineers surveys of the underground water of any underground water reservoir in the district and of the facilities for the development, production, and use of that underground water and determine the quantity of the underground water available for production and use and the
improvements, developments, and recharges needed for those 
underground water reservoirs;
(8) develop comprehensive plans for the most efficient use 
of the underground water of any underground water reservoir in the 
district and for the control and prevention of waste of that 
underground water, with the plans to specify in the amount of 
detail that may be practicable, the acts, procedure, performance, 
and avoidance that are or may be necessary to carry out those 
plans, including specifications;
(9) carry out research projects, develop information, and 
determine limitations, if any, that should be made on the 
withdrawal of underground water from any underground water 
reservoir in the district;
(10) collect and preserve information regarding the use of 
the underground water and the practicability of recharge of any 
underground water reservoir in the district;
(11) publish plans and information, bring them to the notice 
and attention of the users of the underground water in the 
district, and encourage their adoption and execution; and 
(12) contract for, sell, and distribute water from a water 
import authority or other agency.
SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by 
this Act, the administrative and procedural provisions of Chapters 
51 and 59, Water Code, apply to the district.
SECTION 7. FINANCIAL RECORDS. (a) In addition to other 
requirements provided by law, the district shall file with the 
county treasurer of Collingsworth County copies of all audits, 
orders of the board of directors, and other documents relating to 
district finances. The copies shall be filed within 60 days after 
the audits are completed, the orders are adopted, or the other 
documents are finalized.
(b) The county treasurer shall maintain copies of all 
audits, orders, and other documents at his main office and shall 
make them available for public inspection during regular office 
hours.
SECTION 8. INITIAL DIRECTORS. (a) Within 15 days after the 
effective date of this Act, the Commissioners Court of 
Collingsworth County shall appoint five persons to serve as the 
initial board of directors of the district.
(b) If any person appointed as one of the initial directors 
fails to qualify for office, the commissioners court shall appoint 
another person to fill the position.
(c) The initial members of the board of directors shall 
serve until their successors have been elected and have qualified.
SECTION 9. CONFIRMATION OF DISTRICT. (a) The legislature 
finds that all of the land included within the boundaries of the 
district will be benefited and that the district is created to 
serve a public use and benefit.
(b) Within 60 days after the effective date of this Act and 
without the necessity of having a petition presented, the initial 
board of directors shall call an election to be held in the 
district for the purpose of confirming the organization of the 
district, provided the election is not held sooner than 90 days nor 
later than 120 days after the election is ordered.
(c) The ballot for the election shall be printed to provide 
for voting for or against the following propositions:
(1) the creation of the Collingsworth County Underground 
Water Conservation District; and 
(2) the levy and collection of a property tax in the 
district.
(d) The initial board of directors may include any other 
propositions on the ballot that it considers necessary.
(e) The ballot also shall provide for election of directors 
for the district. A person who desires to have his name printed on 
the ballot as a candidate for director shall file a petition with 
the initial board of directors before the 30th day preceding the 
date of the election. If a person is a candidate for director from 
a particular commissioner's precinct, he shall designate the 
commissioner's precinct that he desires to represent.
(f) Only qualified electors who reside in the district are
qualified to vote in the election.

(g) Notice of the election shall be published at least twice in a newspaper of general circulation in the district, at least 30 days and at least 10 days respectively, before the date of the election.

(h) Returns of the result of the election shall be made to the initial board of directors of the district and the directors shall canvass those returns and declare the results of the election.

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

SECTION 10. TAXES AND BONDS. The tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter 52, Water Code, applies to dissolution of the district.

SECTION 12. ANNEXATION. Additional territory may be added to the district as provided by Chapter 51, Water Code. The board of directors shall determine to which precinct the annexed land will be added for purposes of election of directors.

SECTION 13. DIRECTOR ELECTIONS. (a) The district shall be governed by a board of directors that consists of five directors.

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 18 years of age.

(c) One director shall be elected from each county commissioners precinct in Collingsworth County and one director shall be elected from the district at large. To represent a commissioners precinct, the director must be a resident of the precinct.

(d) Directors serve staggered four-year terms.

(e) After the election of directors at the confirmation election held under Section 9 of this Act, regular elections for a portion of the board of directors shall be held in each even-numbered year. The directors elected from commissioners precincts 1 and 3 and the director elected at large at the confirmation election shall serve as directors until the first regular meeting of the board after the second regular election of directors, and the directors elected from commissioners precincts 2 and 4 at the confirmation election shall serve until the first regular meeting of the board after the first regular election of directors.

SECTION 14. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this Act controls. If there is a conflict between the application of Chapter 51, Water Code, and Chapter 52, Water Code, to the district, Chapter 52 controls.

SECTION 15. EMERGENCY. 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.

* * * *

Austin, Texas
May 23, 1985

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B. No. 1148, 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.

Santiesteban, Chairman
Committee: Natural Resources

H.B. 1148 was reported back to the Senate as follows:

- Without amendments
- With amendments
- With Committee Substitute

Fiscal Implications: Yes

Actuarial Implications: No

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The following witnesses testified on the bill:

For

Against

Resource Witness
BILL ANALYSIS

HB 1148

By: Whaley (Sarpalius)

BACKGROUND: Most of the drinking water in Collingsworth County comes from underground wells. The wells are shallow and dug into the ground at a depth of 20 to 140 feet. Because the ground is sandy, rainfall has been penetrating the watertables and allowing the residue from pesticides to contaminate some of the wells in the area.

H.B. 1148 would create an underground water conservation district that would conserve, preserve, protect, recharge and prevent the waste of the underground water in Collingsworth County.

PURPOSE: To create and finance the Collingsworth County Underground Water Conservation District.

SECTION-BY-SECTION ANALYSIS

SECTION 1: Provides for the creation of the Collingsworth County Underground Water Conservation District.

SECTION 2: Defines "district."

SECTION 3: Provides that the territory within the district shall be located within Collingsworth County.

SECTION 4: Provides that the purpose of the district is to conserve, preserve, protect, recharge and prevent waste of underground water reservoirs located within the district.

SECTION 5: Provides for the powers and duties of the district including:

(1) the authority to make rules;
(2) the authority to enforce rules;
(3) requiring permits for the drilling, equipping, and completion of wells within the district and to issue permits that include terms and provisions for said activities that are necessary to prevent waste or conserve, preserve and protect underground water;
(4) regulating the spacing of wells and regulating the production from the wells; provided that the owner of the land, his heirs, assigns, and lessees are not to be denied a permit to drill a well on their land and the right to product water from that well subject to the rules adopted under the Act;
(5) requires records to be kept and reports to be made of the drilling, equipping and completion of wells and the taking and use of underground water and further requires accurate driller logs be kept of the wells and to be filed with the district;
(6) authorizes the district to acquire land for the erection of dams and draining lakes, draws and depressions; to construct dams, to drain lakes, depressions, draws and creeks; and install pumps and other equipment necessary to recharge any underground water reservoirs in the district;
(7) to have surveys made of the underground water and the facilities for the development, production and use of water and to determine the quantity of underground water available for production and the improvements, developments and recharges needed for underground water reservoirs;
(8) to develop comprehensive plans for the most efficient use of underground water and for the control and prevention of waste of that groundwater;
(9) to carry out research projects, develop information and determine limitations that should be made on the withdrawal of underground water;
(10) to collect and preserve information regarding the use of underground water and the practicability of recharge of any underground water reservoir;
(11) to publish plans and information and bring them to the attention of the users of underground water in the district and to encourage their adoption and execution; and
(12) to contract for, sell, and distribute water from a water import authority or other agency.

SECTION 6: Provides that the administrative and procedural provisions of Chapter 51 and 52 shall apply to the district.

SECTION 7: Financial Records
(a) Provides that the district shall file with the county treasurer copies of all audits.
(b) Requires the treasurer to maintain copies and to make them available for public inspection.

SECTION 8: Initial directors
(a) Provides that the commissioners court shall appoint five persons to serve directors.
(b) Provides for the filling of vacancies.
(c) Provides that the initial members of the board shall serve until their successors have been elected and have qualified.

SECTION 9: Confirmation of District
(a) Finds that all of the land included within the district will be benefited.
(b) Calls for an election for the purpose of confirming the district.
(c) The ballot shall be printed in the following manner:
   (1) Creation of the Collingsworth County Underground Water Conservation District.
   (2) Calls for a levy and collection of a property tax in the district.
(d) Provides that initial board of directors may include any other propositions on ballot.
(e) Provides for ballot to call for election of directors for district and states rules pertaining to persons desiring to become candidates for director.
(f) Provides that only qualified electors from the district shall be qualified to vote.
(g) Provides for notice of election to be published in newspapers.
(h) Calls for initial board of directors to canvass results and declare results.
(i) Certifies that no hearings may be held to determine whether any land shall be excluded.

SECTION 10: Provides that the tax and bond provisions of Chapter 51 and 52 of the Water Code apply to the district.

SECTION 11: Provides that Subchapter G of Chapter 52, Water Code, applies with respect to dissolution of the district.

SECTION 12: Provides that additional territory may be added to the district pursuant to the annexation provisions found in Chapter 51.

SECTION 13: Director Elections
(a) Provides for election of five directors
(b) Declares that only persons of 18 years of age and residents of the district are eligible.
(c) Provides for directors to be elected from each county commissioners precinct and one director from the district at large.
(d) Provides for directors to serve staggered four year terms.
(e) Provides for four year staggered terms.
SECTION 14: Provides that to the extent of any conflict between the laws found in Chapter 51 and 52, Water Code, the provisions of Chapter 52 will control, and to the extent the provisions of this Act conflict with either one of those chapters, the provisions of the Act will prevail.

SECTION 15: Emergency Clause.

RULE-MAKING AUTHORITY: The Collingsworth County Underground Water Conservation District is empowered to make rules as provided by Chapters 51 and 52, Water Code, relating to underground water conservation districts.
FISCAL NOTE
March 25, 1985

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

In Re: House Bill No. 1148
By: Whaley

Sir:

In response to your request for a Fiscal Note on House Bill No. 1148 (relating to the creation, administration, powers, duties, operation, and financing of the Collingsworth County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State 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.

Jim Oliver
Director

Source: LBB Staff: JO, JH, AL, DS
REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 11458, by Sarpalins,

was heard by the Committee on Nat Resources on 5-22-85,

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 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 5-1134 IF YOU HAVE ANY QUESTIONS.

DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 3:00 P.M. FRIDAYS.

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

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

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

SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution the Collingsworth County Underground Water Conservation District is created as a governmental agency and body politic and corporate, authorized to exercise the powers essential to the accomplishment of the purposes of that constitutional provision and to exercise the rights, powers, duties, privileges, and functions provided by this Act and by Chapters 51 and 52, Water Code, and by other laws of this state relating to underground water conservation districts.

SECTION 2. DEFINITION. In this Act, "district" means the Collingsworth County Underground Water Conservation District.

SECTION 3. BOUNDARY OF DISTRICT. The district includes all of the territory located in Collingsworth County.

SECTION 4. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Water Code.
SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may
exercise the powers, rights, privileges, and functions permitted by
Chapters 51 and 52, Water Code, and may:
(1) make and enforce rules to provide for conserving,
   preserving, protecting, recharging, and preventing waste of the
   water from the underground water reservoirs;
(2) enforce its rules by injunction, mandatory injunction,
or other appropriate remedies in a court of competent jurisdiction;
(3) require permits for the drilling, equipping, and
   completion of wells in the underground water reservoirs in the
district and issue permits that include terms and provisions with
   reference to the drilling, equipping, and completion of the wells
   that are necessary to prevent waste or conserve, preserve, and
   protect underground water;
(4) provide for the spacing of wells producing from the
   underground water reservoirs in the district and regulate the
   production from those wells to minimize as far as practicable the
   drawdown of the water table or the reduction of the artesian
   pressure, provided, the owner of the land, his heirs, assigns, and
   lessees are not denied a permit to drill a well on their land and
   the right to produce underground water from that well subject to
   rules adopted under this Act;
(5) require records to be kept and reports to be made of the
   drilling, equipping, and completion of wells into any underground
   water reservoir in the district and the taking and use of
   underground water from those reservoirs and require accurate
   driller's logs to be kept of those wells and a copy of those logs
and of any electric logs that may be made of the wells to be filed
with the district;

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

(7) have made by registered professional engineers surveys
of the underground water of any underground water reservoir in the
district and of the facilities for the development, production, and
use of that underground water and determine the quantity of the
underground water available for production and use and the
improvements, developments, and recharges needed for those
underground water reservoirs;

(8) develop comprehensive plans for the most efficient use
of the underground water of any underground water reservoir in the
district and for the control and prevention of waste of that
underground water, with the plans to specify in the amount of
detail that may be practicable the acts, procedure, performance,
and avoidance that are or may be necessary to carry out those
plans, including specifications;

(9) carry out research projects, develop information, and
determine limitations, if any, that should be made on the
withdrawal of underground water from any underground water
reservoir in the district;

(10) collect and preserve information regarding the use of
the underground water and the practicability of recharge of any
underground water reservoir in the district;

(11) publish plans and information, bring them to the notice
and attention of the users of the underground water in the
district, and encourage their adoption and execution; and

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

SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
this Act, the administrative and procedural provisions of Chapters
51 and 52, Water Code, apply to the district.

SECTION 7. FINANCIAL RECORDS. (a) In addition to other
requirements provided by law, the district shall file with the
county treasurer of Collingsworth County copies of all audits,
orders of the board of directors, and other documents relating to
district finances. The copies shall be filed within 60 days after
the audits are completed, the orders are adopted, or the other
documents are finalized.

(b) The county treasurer shall maintain copies of all
audits, orders, and other documents at his main office and shall
make them available for public inspection during regular office
hours.

SECTION 8. INITIAL DIRECTORS. (a) Within 15 days after the
effective date of this Act, the Commissioners Court of
Collingsworth County shall appoint five persons to serve as the
initial board of directors of the district.

(b) If any person appointed as one of the initial directors
fails to qualify for office, the commissioners court shall appoint
another person to fill the position.
(c) The initial members of the board of directors shall
serve until their successors have been elected and have qualified.

SECTION 9. CONFIRMATION OF DISTRICT. (a) The legislature
finds that all of the land included within the boundaries of the
district will be benefited and that the district is created to
serve a public use and benefit.

(b) Within 60 days after the effective date of this Act and
without the necessity of having a petition presented, the initial
board of directors shall call an election to be held in the
district for the purpose of confirming the organization of the
district, provided the election is not held sooner than 90 days nor
later than 120 days after the election is ordered.

(c) The ballot for the election shall be printed to provide
for voting for or against the following propositions:

(1) the creation of the Collingsworth County Underground
Water Conservation District; and

(2) the levy and collection of a property tax in the
district.

(d) The initial board of directors may include any other
propositions on the ballot that it considers necessary.

(e) The ballot also shall provide for election of directors
for the district. A person who desires to have his name printed on
the ballot as a candidate for director shall file a petition with
the initial board of directors before the 30th day preceding the
date of the election. If a person is a candidate for director from
a particular commissioner's precinct, he shall designate the
commissioner's precinct that he desires to represent.
(f) Only qualified electors who reside in the district are qualified to vote in the election.

(g) Notice of the election shall be published at least twice in a newspaper of general circulation in the district, at least 30 days and at least 10 days respectively, before the date of the election.

(h) Returns of the result of the election shall be made to the initial board of directors of the district and the directors shall canvass those returns and declare the results of the election.

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

SECTION 10. TAXES AND BONDS. The tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter 52, Water Code, applies to dissolution of the district.

SECTION 12. ANNEXATION. Additional territory may be added to the district as provided by Chapter 51, Water Code. The board of directors shall determine to which precinct the annexed land will be added for purposes of election of directors.

SECTION 13. DIRECTOR ELECTIONS. (a) The district shall be governed by a board of directors that consists of five directors.

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 18 years of age.

(c) One director shall be elected from each county commissioners precinct in Collingsworth County and one director shall be elected from the district at large. To represent a
commissioners precinct, the director must be a resident of the
precinct.

(d) Directors serve staggered four-year terms.

(e) After the election of directors at the confirmation
election held under Section 9 of this Act, regular elections for a
portion of the board of directors shall be held in each
even-numbered year. The directors elected from commissioners
precincts 1 and 3 and the director elected at large at the
confirmation election shall serve as directors until the first
regular meeting of the board after the second regular election of
directors, and the directors elected from commissioners precincts 2
and 4 at the confirmation election shall serve until the first
regular meeting of the board after the first regular election of
directors.

SECTION 14. STATUTORY INTERPRETATION. If there is a
conflict between this Act and Chapter 51 or 52, Water Code, this
Act controls. If there is a conflict between the application of
Chapter 51, Water Code, and Chapter 52, Water Code, to the
district, Chapter 52 controls.

SECTION 15. EMERGENCY. 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.
I certify that H.B. No. 1148 was passed by the House on April 4, 1985, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 1148 was transmitted to the Governor on February 25, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on March 19, 1985.

I certify that H.B. No. 1148 was passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

APPROVED: ____________________________

Date

Governor
A BILL TO BE ENTITLED

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

FEB 25 1985
1. Filed with the Chief Clerk.

MAR 5 1985
2. Read first time and referred to Committee on

MAR 2 6 1985
3. Reported favorably (amended) and sent to Printer at 9:20 am

APR 1 1985
4. Printed and distributed at 11:50 am

APR 1 1985
5. Sent to Committee on Calendars at 10:14 am

APR 4 1985
6. Read second time (amended); passed to third reading (failed by a Non-Record Vote) (Record Vote of _______ yea, _______ nay, _______ present, not voting).

APR 4 1985
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 _______ yea, _______ nay, and _______ present, not voting).

APR 4 1985
8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _______ yea, _______ nay, and _______ present, not voting.

APR 4 1985
9. Read third time (amended); finally passed H.B. _______ by a Non-Record Vote, year, nays, present, not voting.

APR 4 1985
10. Caption ordered amended to conform to body of bill.

APR 4 1985
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 _______ yea, _______ nay, and _______ present, not voting).

APR 4 1985
12. Ordered Engrossed at 11:56 am

APR 4 1985
13. Engrossed.

APR 4 1985
14. Returned to Chief Clerk at 3:32 pm

APR 9 1985
15. Sent to Senate.

Chief Clerk of the House

APR 9 1985
16. Received from the House

APR 10 1985
17. Read, referred to Committee on NATURAL RESOURCES

MAY 2 3 1985
18. Reported favorably

MAY 2 3 1985
19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 2 3 1985
20. Ordered not printed.

MAY 2 3 1985
21. Regular order of business suspended by (a viva voce vote.)
(_______ yea, _______ nays.)
22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yea, _____ nays.

23. Read second time passed to third reading by YES VOICE VOTE.

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

25. Senate and Constitutional 3-Day Rules suspended by vote of 28 yea, 1 nays to place bill on third reading and final passage.

26. Read third time and passed by

OTHER ACTION:

OTHER ACTION:

27. Returned to the House.

28. Received from the Senate (WITH AMENDMENTS)

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

30. Conference Committee Ordered.

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

32. Ordered Enrolled at 7:00 P.M.
March 25, 1985

Hon. Tom Craddick, Chairman
Committee on Natural Resources
P.O. Box 2910
Austin, Texas

Dear Mr. Chairman:

In response to your request for an Author’s Fiscal Statement on House Bill 1148 (relating to the creation, administration, powers, duties, operations and financing of the Collingsworth County Underground Water Conservation District), I have determined the following:

There will be absolutely no fiscal implication to the State of Texas. Funds will come from local government.

Respectfully Submitted,

Foster Whaley

FW/mbp

DISTRICT 84: Armstrong, Briscoe, Childress, Collingsworth, Crosby, Dickens, Donley, Floyd, Gray, Hall, Lubbock (North rural), and Motley Counties.
Honorabe Mark White
Governor of Texas

Honorabe W. P. Hobby
President of the Senate

Honorabe Gib Lewis
Speaker of the House of Representatives

Gentlemen:

Re: H.B. 1148 - Proposed creation of an Article XVI, Section 59, Texas Constitution district: Collingsworth County Underground Water Conservation District over all of Collingsworth County

Responsibility of the Texas Department of Water Resources to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution

H.B. 1148 was received by the Department from the Governor of Texas on February 26, 1985. This bill would create an underground water conservation district over all of Collingsworth County pursuant to Article XVI, Section 59, Texas Constitution to be named Collingsworth County Underground Water Conservation District. The proposed district will have powers that are practically identical to those of an underground water conservation district created pursuant to Chapter 52, Water Code. The initial directors of the district will be appointed by the Commissioners Court of Collingsworth County and thereafter elected with one director being elected from each precinct and one director being elected from the district at large. A confirmation election for the creation of the district is required. The tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

The creation of this proposed district would be subject to a confirmation election by the qualified voters residing within the territorial boundaries thereof. Since the creation of the proposed district is essentially a matter of local interest subject to approval
by the people it will affect, and since benefits to the landowners and residents in the proposed district may well result from this creation, the Department would not oppose the enactment of H.B. 1148.

Sincerely yours,

Seth C. Burnitt
Deputy Director

cc: Ms. Betty Murray, Chief Clerk, House of Representatives
    Ms. Betty King, Secretary of the Senate
    Representative Tom Craddick – House Natural Resources Committee
    Representative Foster Whaley
President of the Senate

Speaker of the House

I certify that H.B. No. 1148 was passed by the House

on [April 4] 1985, by a non-record vote; [100]

Chief Clerk of the House

I certify that H.B. No. 1148 was passed by the Senate

on [May 24] 1985, by the following vote: Yeas 29, Nays 0

Secretary of the Senate

APPROVED:

[Signature]

Date

Governor

*** Preparation: 'A;CT27;