

1985 MAR -6 PM 4: 48

I certify that the attached is a true and correct copy of HB 1148, which was filed of record on FEB 25 1985 and referred to the committee on:

Nat. Res.

*Butler Missouri*  
Chief Clerk of the House

FILED FEB 25 1985

By Whaley

91 B. No. 1148

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

23           (5) require records to be kept and reports to be made of the  
24 drilling, equipping, and completion of wells into any underground  
25 water reservoir in the district and the taking and use of  
26 underground water from those reservoirs and require accurate  
27 driller's logs to be kept of those wells and a copy of those logs

1 and of any electric logs that may be made of the wells to be filed  
2 with the district;

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

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

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

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

26 (10) collect and preserve information regarding the use of  
27 the underground water and the practicability of recharge of any

1 underground water reservoir in the district;

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

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

7 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
8 this Act, the administrative and procedural provisions of Chapters  
9 51 and 52, Water Code, apply to the district.

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

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

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

25 (b) If any person appointed as one of the initial directors  
26 fails to qualify for office, the commissioners court shall appoint  
27 another person to fill the position.

1           (c) The initial members of the board of directors shall  
2 serve until their successors have been elected and have qualified.

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

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

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

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

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

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

21           (e) The ballot also shall provide for election of directors  
22 for the district. A person who desires to have his name printed on  
23 the ballot as a candidate for director shall file a petition with  
24 the initial board of directors before the 30th day preceding the  
25 date of the election. If a person is a candidate for director from  
26 a particular commissioner's precinct, he shall designate the  
27 commissioner's precinct that he desires to represent.

1           (f) Only qualified electors who reside in the district are  
2 qualified to vote in the election.

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

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

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

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

15           SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter  
16 52, Water Code, applies to dissolution of the district.

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

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

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

25           (c) One director shall be elected from each county  
26 commissioners precinct in Collingsworth County and one director  
27 shall be elected from the district at large. To represent a

1 commissioners precinct, the director must be a resident of the  
2 precinct.

3 (d) Directors serve staggered four-year terms.

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

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

20 SECTION 15. EMERGENCY. The importance of this legislation  
21 and the crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended,  
25 and that this Act take effect and be in force from and after its  
26 passage, and it is so enacted.

Affidavit of Publisher  
to publication of  
Legal Notice

IN THE MATTER OF

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

**PUBLIC NOTICE**  
This is notice that a bill will be introduced in the 69th Legislature, Regular Session relating to the conservation of groundwater by a special district in Collingsworth County.  
/s/ Earl Patterson  
Rt. 1, Wellington, Tex 79095  
28-1c

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 Jan. 24, 1985  
Second Insertion \_\_\_\_\_  
Third Insertion \_\_\_\_\_  
Fourth Insertion \_\_\_\_\_

*Henry Wells* Publisher  
Subscribed and sworn to before me this 24

day of January 19 85  
(SEAL)

*Calvin A. Hunt*  
Notary Public, Collingsworth, County, Texas

My commission expires 1981 19 88



LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

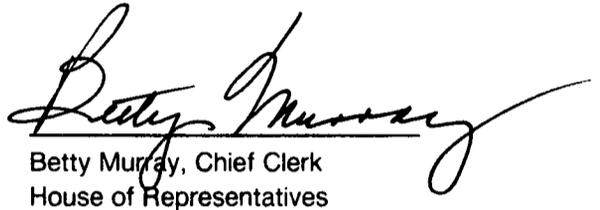
TO: The Honorable Mark White  
Governor of Texas

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

# HOUSE COMMITTEE REPORT

1st Printing

By Whaley

H.B. No. 1148

A BILL TO BE ENTITLED

AN ACT

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

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8 Water Conservation District is created as a governmental agency and  
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10 essential to the accomplishment of the purposes of that  
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12 duties, privileges, and functions provided by this Act and by  
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21 and prevention of waste of the underground water reservoirs located  
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23 Section 59, of the Texas Constitution and Chapters 51 and 52, Water  
24 Code.

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

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

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

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

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

23 (5) require records to be kept and reports to be made of the  
24 drilling, equipping, and completion of wells into any underground  
25 water reservoir in the district and the taking and use of  
26 underground water from those reservoirs and require accurate  
27 driller's logs to be kept of those wells and a copy of those logs

1 and of any electric logs that may be made of the wells to be filed  
2 with the district;

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

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

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

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

26 (10) collect and preserve information regarding the use of  
27 the underground water and the practicability of recharge of any

1 underground water reservoir in the district;

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

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

7 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
8 this Act, the administrative and procedural provisions of Chapters  
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10 SECTION 7. FINANCIAL RECORDS. (a) In addition to other  
11 requirements provided by law, the district shall file with the  
12 county treasurer of Collingsworth County copies of all audits,  
13 orders of the board of directors, and other documents relating to  
14 district finances. The copies shall be filed within 60 days after  
15 the audits are completed, the orders are adopted, or the other  
16 documents are finalized.

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

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

25 (b) If any person appointed as one of the initial directors  
26 fails to qualify for office, the commissioners court shall appoint  
27 another person to fill the position.

1 (c) The initial members of the board of directors shall  
2 serve until their successors have been elected and have qualified.

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

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

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

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

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

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

21 (e) The ballot also shall provide for election of directors  
22 for the district. A person who desires to have his name printed on  
23 the ballot as a candidate for director shall file a petition with  
24 the initial board of directors before the 30th day preceding the  
25 date of the election. If a person is a candidate for director from  
26 a particular commissioner's precinct, he shall designate the  
27 commissioner's precinct that he desires to represent.

1 (f) Only qualified electors who reside in the district are  
2 qualified to vote in the election.

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

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

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

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

15 SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter  
16 52, Water Code, applies to dissolution of the district.

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

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

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

25 (c) One director shall be elected from each county  
26 commissioners precinct in Collingsworth County and one director  
27 shall be elected from the district at large. To represent a

1 commissioners precinct, the director must be a resident of the  
2 precinct.

3 (d) Directors serve staggered four-year terms.

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

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

20 SECTION 15. EMERGENCY. The importance of this legislation  
21 and the crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended,  
25 and that this Act take effect and be in force from and after its  
26 passage, and it is so enacted.



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 conterminous 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 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: 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.

**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

# HOUSE ENGROSSMENT

1985 APR -4 PM 3:32

HOUSE OF REPRESENTATIVES

By Whaley

H.B. No. 1148

## A BILL TO BE ENTITLED

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13 Chapters 51 and 52, Water Code, and by other laws of this state  
14 relating to underground water conservation districts.

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

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

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

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

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

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

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

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

23           (5) require records to be kept and reports to be made of the  
24 drilling, equipping, and completion of wells into any underground  
25 water reservoir in the district and the taking and use of  
26 underground water from those reservoirs and require accurate  
27 driller's logs to be kept of those wells and a copy of those logs

1 and of any electric logs that may be made of the wells to be filed  
2 with the district;

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

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

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

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

26 (10) collect and preserve information regarding the use of  
27 the underground water and the practicability of recharge of any

1 underground water reservoir in the district;

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

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

7 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
8 this Act, the administrative and procedural provisions of Chapters  
9 51 and 52, Water Code, apply to the district.

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

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

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

25 (b) If any person appointed as one of the initial directors  
26 fails to qualify for office, the commissioners court shall appoint  
27 another person to fill the position.

1 (c) The initial members of the board of directors shall  
2 serve until their successors have been elected and have qualified.

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

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

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

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

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

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

21 (e) The ballot also shall provide for election of directors  
22 for the district. A person who desires to have his name printed on  
23 the ballot as a candidate for director shall file a petition with  
24 the initial board of directors before the 30th day preceding the  
25 date of the election. If a person is a candidate for director from  
26 a particular commissioner's precinct, he shall designate the  
27 commissioner's precinct that he desires to represent.

1 (f) Only qualified electors who reside in the district are  
2 qualified to vote in the election.

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

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

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

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

15 SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter  
16 52, Water Code, applies to dissolution of the district.

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

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

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

25 (c) One director shall be elected from each county  
26 commissioners precinct in Collingsworth County and one director  
27 shall be elected from the district at large. To represent a

1 commissioners precinct, the director must be a resident of the  
2 precinct.

3 (d) Directors serve staggered four-year terms.

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

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

20 SECTION 15. EMERGENCY. The importance of this legislation  
21 and the crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended,  
25 and that this Act take effect and be in force from and after its  
26 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

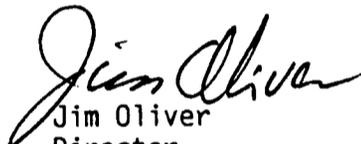
In Re: House Bill No. 1148  
By: Whaley

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

1 By: Whaley (Senate Sponsor - Sarpalius) H.B. No. 1148  
2 (In the Senate - Received from the House April 9, 1985;  
3 April 10, 1985, read first time and referred to Committee on  
4 Natural Resources; May 23, 1985, reported favorably; May 23, 1985,  
5 sent to printer.)

6 A BILL TO BE ENTITLED  
7 AN ACT

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

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

12 SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section  
13 59, of the Texas Constitution the Collingsworth County Underground  
14 Water Conservation District is created as a governmental agency and  
15 body politic and corporate, authorized to exercise the powers  
16 essential to the accomplishment of the purposes of that  
17 constitutional provision and to exercise the rights, powers,  
18 duties, privileges, and functions provided by this Act and by  
19 Chapters 51 and 52, Water Code, and by other laws of this state  
20 relating to underground water conservation districts.

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

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

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

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

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

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

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

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

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

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

65 (7) have made by registered professional engineers surveys  
66 of the underground water of any underground water reservoir in the  
67 district and of the facilities for the development, production, and  
68 use of that underground water and determine the quantity of the  
69 underground water available for production and use and the

1 improvements, developments, and recharges needed for those  
2 underground water reservoirs;

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

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

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

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

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

22 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
23 this Act, the administrative and procedural provisions of Chapters  
24 51 and 52, Water Code, apply to the district.

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

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

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

40 (b) If any person appointed as one of the initial directors  
41 fails to qualify for office, the commissioners court shall appoint  
42 another person to fill the position.

43 (c) The initial members of the board of directors shall  
44 serve until their successors have been elected and have qualified.

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

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

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

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

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

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

63 (e) The ballot also shall provide for election of directors  
64 for the district. A person who desires to have his name printed on  
65 the ballot as a candidate for director shall file a petition with  
66 the initial board of directors before the 30th day preceding the  
67 date of the election. If a person is a candidate for director from  
68 a particular commissioner's precinct, he shall designate the  
69 commissioner's precinct that he desires to represent.

70 (f) Only qualified electors who reside in the district are

1 qualified to vote in the election.

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

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

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

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

14 SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter  
15 52, Water Code, applies to dissolution of the district.

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

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

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

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

29 (d) Directors serve staggered four-year terms.

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

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

46 SECTION 15. EMERGENCY. The importance of this legislation  
47 and the crowded condition of the calendars in both houses create an  
48 emergency and an imperative public necessity that the  
49 constitutional rule requiring bills to be read on three several  
50 days in each house be suspended, and this rule is hereby suspended,  
51 and that this Act take effect and be in force from and after its  
52 passage, and it is so enacted.

53 \* \* \* \* \*

54 Austin, Texas  
55 May 23, 1985

56 Hon. William P. Hobby  
57 President of the Senate

58 Sir:

59 We, your Committee on Natural Resources to which was referred H.B.  
60 No. 1148, have had the same under consideration, and I am  
61 instructed to report it back to the Senate with the recommendation  
62 that it do pass and be printed.

63 Santiesteban, Chairman

COMMITTEE HISTORY

COMMITTEE: Natural Resources

DATE 5/22/85

H.B. 1148 was reported back to the Senate as follows:  
(Bill Number)

- Without amendments  
 With amendments  
 With Committee substitute

Fiscal Implications:  Yes  
 No

Actuarial Implications:  Yes  
 No

	AYE	NAY	PNV	ABSEN
SEN. SANTIESTEBAN	✓			
SEN. WILLIAMS	✓			
SEN. BROWN	✓			
SEN. KOTHMANN	✓			
SEN. KRIER	✓			
SEN. LYON	✓			
SEN. MONTFORD	✓			
SEN. SARPALIUS	✓			
SEN. SIMS	✓			
SEN. TRUAN	✓			
SEN. URIBE	✓			
TOTAL	11	0		

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 Collingworth 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.

**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

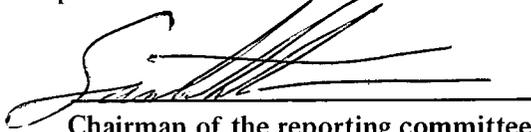
Source: LBB Staff: JO, JH, AL, DS

REQUEST FOR LOCAL & UNCONTESTED CALENDAR  
PLACEMENT

Hon. Roy Blake, Chairman  
Administration Committee

Sir:

Notice is hereby given that HB 1148, by: Sarpaluis,  
was heard by the Committee on Net Resources on 5-22, 1985,  
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.**

6

ENROLLED

H.B. No. 1148

1 AN ACT

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

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

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

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

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

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

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

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

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

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

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

23 (5) require records to be kept and reports to be made of the  
24 drilling, equipping, and completion of wells into any underground  
25 water reservoir in the district and the taking and use of  
26 underground water from those reservoirs and require accurate  
27 driller's logs to be kept of those wells and a copy of those logs

1 and of any electric logs that may be made of the wells to be filed  
2 with the district;

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

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

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

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

26 (10) collect and preserve information regarding the use of  
27 the underground water and the practicability of recharge of any

1 underground water reservoir in the district;

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

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

7 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
8 this Act, the administrative and procedural provisions of Chapters  
9 51 and 52, Water Code, apply to the district.

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

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

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

25 (b) If any person appointed as one of the initial directors  
26 fails to qualify for office, the commissioners court shall appoint  
27 another person to fill the position.

1 (c) The initial members of the board of directors shall  
2 serve until their successors have been elected and have qualified.

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

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

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

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

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

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

21 (e) The ballot also shall provide for election of directors  
22 for the district. A person who desires to have his name printed on  
23 the ballot as a candidate for director shall file a petition with  
24 the initial board of directors before the 30th day preceding the  
25 date of the election. If a person is a candidate for director from  
26 a particular commissioner's precinct, he shall designate the  
27 commissioner's precinct that he desires to represent.

1 (f) Only qualified electors who reside in the district are  
2 qualified to vote in the election.

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

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

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

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

15 SECTION 11. DISSOLUTION OF DISTRICT. Subchapter G, Chapter  
16 52, Water Code, applies to dissolution of the district.

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

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

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

25 (c) One director shall be elected from each county  
26 commissioners precinct in Collingsworth County and one director  
27 shall be elected from the district at large. To represent a

1 commissioners precinct, the director must be a resident of the  
2 precinct.

3 (d) Directors serve staggered four-year terms.

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

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

20 SECTION 15. EMERGENCY. The importance of this legislation  
21 and the crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended,  
25 and that this Act take effect and be in force from and after its  
26 passage, and it is so enacted.

H.B. No. 1148

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President of the Senate

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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; 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.

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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.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

H. B. No. 1148

By Whaley

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

Natural Resources

MAR 26 1985

3. Reported favorably (~~as amended~~) and sent to Printer at 9:20 am ~~(as substituted)~~ MAR 29 1985

APR 1 1985

4. Printed and distributed at 11:50 am

APR 1 1985

5. Sent to Committee on Calendars at 12:14 pm

APR 4 1985

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.

APR 4 1985

9. Read third time (~~amended~~); finally passed (~~failed~~) by (Non-Record Vote) (Record Vote of        yeas,        nays,        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).

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.

Betty Messinger  
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 23 1985

18. Reported favorably

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

20. Ordered not printed.

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

MAY 24 1985

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

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

MAY 24 1985

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

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

MAY 24 1985

26. Read third time and passed by

~~(a viva voce vote.)~~  
(29 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

May 24, 1985

27. Returned to the House.

MAY 24 1985

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.

MAY 24 1985

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

32. Ordered Enrolled at 7:00 P.M.

HOUSE OF REPRESENTATIVES

1985 APR -4 PM 3 32

State Representative  
**Foster Whaley**

District Office  
Route 1, Box 70  
Pampa, Texas 79065  
Office Phone: (806) 665-3552

**State of Texas**  
**House of Representatives**

Austin Office  
P.O. Box 2910  
Austin, Texas 78769-2910  
Office Phone: (512) 475-3883

March 25, 1985

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

IN RE: House Bill 1148

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.

TEXAS DEPARTMENT OF WATER RESOURCES

1700 N. Congress Avenue  
Austin, Texas

TEXAS WATER DEVELOPMENT BOARD

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



Charles E. Nemir  
Executive Director

March 19, 1985

TEXAS WATER COMMISSION

Paul Hopkins, Chairman  
Lee B. M. Biggart  
Ralph Roming

Honorable Mark White  
Governor of Texas

Honorable W. P. Hobby  
President of the Senate

Honorable 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

Honorable Mark White  
Honorable W. P. Hobby  
Honorable Gib Lewis  
Page 2  
March 19, 1985

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  
(1)

on April 4, 1985, by a non-record vote, 14-0  
(2)

\_\_\_\_\_  
Chief Clerk of the House

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

on May 24, 1985, by the following  
(3)

vote: Yeas 29, Nays 0  
(4) (5)

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: 'A;CT27;