A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. CREATION OF DISTRICT. Pursuant to Article XVI, Section 59, of the Texas Constitution, and subject to approval at a confirmation election called and held under this Act, the Sutton County Underground Water Conservation District is created as a governmental agency and body politic and corporate.

SECTION 2. GENERAL AUTHORITY. Except as otherwise provided by this Act, the district may exercise the powers essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution and may exercise the rights, powers, and functions provided by this Act, Chapters 51 and 52, Water Code, and other laws of this state relating to underground water conservation districts.

SECTION 3. DEFINITIONS. In this Act, "district" means the Sutton County Underground Water Conservation District.

SECTION 4. LEGISLATIVE FINDINGS. The legislature finds that:

(1) the organization of the district is feasible and practicable;

(2) the land to be included in and the residents of the
district will be benefited by the creation of the district;
(3) there is a public necessity for the district; and
(4) the creation of the district will further the public
welfare.

SECTION 5. DISTRICT BOUNDARIES. The district is composed of
all of the territory located within Sutton County, Texas, except
Sections 60, 67, and 90, Block No. A, HE&WTRYCoSurvey, Sutton
County, Texas.

SECTION 6. PURPOSE OF THE 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 7. POWERS AND DUTIES OF DISTRICT. (a) The board of
directors may adopt rules to provide for conserving, preserving,
protecting, recharging, and preventing waste of the water from the
underground water reservoirs in the district and may enforce those
rules by injunction or other appropriate remedies in a court of
competent jurisdiction.

(b) The board of directors may require permits for the
drilling, equipping, and completion of wells in any underground
water reservoir in the district and may issue permits subject to
terms relating to the drilling, equipping, and completion of the
wells that are necessary to prevent waste or conserve, preserve,
and protect underground water.

(c) The board of directors may provide for spacing wells
that are producing water from an underground water reservoir in the
district and may 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. The owner of the land or
his heirs, assigns, and lessees may not be denied a permit to drill
a well on his land and the right to produce underground water from
that well subject to rules adopted under this Act.

(d) The board of directors may require records to be kept
and reports to be made of the drilling, equipping, and completion
of wells in any underground water reservoir in the district and of
the production and use of underground water from any reservoir in
the district. Also, the board may require accurate driller's logs
to be kept of those wells and may require a copy of those logs and
of any electric logs that are made of the wells to be filed with
the district.

(e) The board of directors may acquire land:

(1) for the erection of dams;

(2) to drain lakes, draws, depressions, and creeks, and
construct dams; and

(3) to install pumps and other equipment necessary to
recharge an underground water reservoir in the district.

(f) The board of directors may have registered professional
engineers make surveys of the underground water of any underground
water reservoir in the district and of the facilities for the
development, production, and use of underground water from any
reservoir in the district. Also, the board of directors shall have
determined the quantity of the underground water available for
production and use and the improvements, developments, and
recharges that will be necessary for those underground water
reservoirs.

(g) The district shall 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. The plans shall specify in the
amount of detail that may be practicable the activities and
procedures that are necessary to carry out those plans.

(h) The district may carry out research projects, develop
information, and determine limitations, if any, that should be
placed on the withdrawal of underground water.

(i) The district may collect and preserve information
regarding the use of the underground water and the practicability
of recharge of an underground water reservoir in the district.

(j) The district may publish plans and information,
publicize the plans and information to the users of the underground
water within the district, and encourage adoption and execution of
the plans and other measures included in the information.

(k) The district may contract for, sell, and distribute
water from a water import authority or other agency.

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

SECTION 9. INITIAL DIRECTORS. (a) The members of the
initial board of directors are:

(1) James T. Hunt
(2) Norman Rousselot
(3) Joe David Ross
(4) Albert C. Elliott
(5) Mark F. Shurley.

(b) The initial members of the board shall take office on the effective date of this Act and shall serve until their successors have been elected and have qualified.

SECTION 10. CONFIRMATION ELECTION. (a) Before the district is officially created the initial board of directors must call and hold a confirmation election to confirm the creation of the district. A majority of the qualified voters must vote favorably for the proposition to confirm the district.

(b) At the confirmation election, the initial board of directors shall submit the following propositions:

(1) whether the establishment of the district is confirmed;
(2) the question of levying and collecting a property tax in the district; and
(3) any other propositions required by this Act.

(c) At the election, the first permanent board of directors shall be elected.

(d) Only qualified voters who reside in the district may vote in the election.

(e) Notice of the election shall be published at least two times in a newspaper with general circulation in the district, the first publication to be at least 30 days, and the second publication to be at least 10 days, before the date of the election.
(f) Returns of the election shall be made to the initial
board of directors and the initial board of directors shall canvass
those returns and declare the results of the election.

SECTION 11. EXCLUSION OF LAND. A hearing may not be held to
determine whether any land included within the boundaries of the
district should be excluded.

SECTION 12. TAX AND BOND PROVISIONS. (a) Except as
otherwise provided in this Act, the tax and bond provisions of
Chapters 51 and 52, Water Code, apply to the district.

(b) On approval of a majority of the qualified voters at the
confirmation election or a subsequent election called for that
purpose, the district may levy and collect taxes to pay the
principal of and interest on bonds and to maintain the district.
The tax approved under this subsection may not exceed five cents on
each $100 of assessed valuation.

(c) At a regular meeting of the board of directors, if the
board determines that the tax levied and collected under Subsection
(b) of this section is no longer sufficient for the purposes stated
in that subsection, the board may call and hold an election to
approve the levy and collection of property taxes in excess of the
limitation provided by Subsection (b) of this section. If a
majority of the qualified voters approve the levy and collection of
taxes in excess of the limitation provided by Subsection (b) of
this section, the district may levy and collect taxes in the amount
approved by the voters at the election called and held under this
subsection.

SECTION 13. DISSOLUTION OF THE DISTRICT. The district may
be dissolved as provided by Chapter 52, Water Code.

SECTION 14. ANNEXATION. (a) Additional territory may be added to the district as provided by Chapter 51 of the Water Code.

(b) The board of directors shall determine to which director's precinct the annexed land will be added for purposes of election of directors.

SECTION 15. DIRECTORS. (a) The district is governed by a board of directors composed 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 Sutton County and one director shall be elected at large.

(d) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which he is elected.

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

SECTION 16. ELECTIONS. Elections held under this Act shall be conducted as provided by Chapter 51, Water Code, and the Texas Election Code.
SECTION 17. 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 Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls.

SECTION 18. 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.
THE STATE OF TEXAS
COUNTY OF SUTTON

Before me, the undersigned authority, on this day personally appeared \underline{\text{Herald Ramy}}\underline{\text{.}}
known to me, who being duly sworn, on his/her oath, depose and says that he/she is the
editor/publisher of the DEVIL'S RIVER NEWS, a newspaper of general circulation published at
Sonora, Sutton County, Texas, and that the citation attached hereto was published in said
newspaper in \underline{\text{1}} issues dated \underline{\text{July 5}}\underline{\text{.}}
\underline{\text{1985}}.

\underline{\text{Subscribed and sworn to before me, this}} \underline{\text{4th}} \underline{\text{day}}
of \underline{\text{January}}, \underline{\text{1985}}.

\underline{\text{Jani X. Gonzalez}}\underline{\text{.}}

NOTARY PUBLIC in and for Sutton County, Texas
PUBLIC NOTICES

The Sutton County Commissioners' Court advises that notice is given on the intention to introduce a bill in the 69th Legislature. Regular Session to do the following: A bill to be introduced, an act relating to the creation, administration, power, duties, operation and financing on the Sutton County Underground Water Conservation District.

NOTICE OF SPECIAL ELECTION FOR THE PURPOSE OF SELLING THE MUNICIPAL ELECTRIC SYSTEM

AVISO DE ELECCION ESPECIAL CON EL PROPOSITO DE VENDER EL SISTEMA ELECTRICO MUNICIPAL

CITY OF SONORA

Notice is hereby given that a Special Election will be held on the 19th day of January, 1985, in the above named city for the purpose of selling the Municipal Electric System. Said election will be held at the following polling places in said city:

In Election Precinct No. 1, 2, 3, and 4, at City Hall Building:

The polls at each of the above designated polling places shall be open from 7:00 o'clock a.m. to 7:00 o'clock p.m.

The absentee voting for the above designated election shall be held at City Hall Building, in said city, and said place of absentee voting shall remain open for at least 8 hours on each day of absentee voting which is not a Saturday, Sunday or an official State holiday, beginning on the 20th day and continuing through the 4th day preceding the date of said election. Said place of voting shall remain open between the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m.

Date this the 27 day of November, 1984.

Card of Thanks

The family of James E. Galley wishes to express their heartfelt gratitude and appreciation to the kindness and comfort so generously given them in their time of grief and sorrow.

May God bless each of you as he has James and his family.

Thank you all for your calls, flowers, visits, and cards, but most of all for your prayers during my recent illness and surgery. My family appreciates your concern and love for us during this time. With God's help 1 will recover soon.

God Bless each one of you, Marciano Hernandez Jr. and Family

FOR RENT/LEASE

Check our reasonable rates at Kasey's Korners. Call 387-2104.

Shurley Enterprises Mini Storage, 8x12, $20 monthly. Phone 387-3619 or 387-5409.

For Rent or Lease, one large industrial building, one small industrial office building, reasonable. Call 387-6175.

Wanted To Lease

Want to lease-100 to 400 acres of land for grazing. 1-2 yr. lease requested. Call 387-2159 or 754-4153.

REAL ESTATE

Pepper Land and Investment Real Estate Company, Clayton, N.M.

3 bedroom, 2 bath, house For sale. Central heat and air, large double car garage, pecan trees. Corner lot, good location. Call 387-3169.

3 bedroom house, central heat, air, carpeted, many extras. Property includes 2 lots and a small apartment. Priced to sell, call 387-2643 or 365-2044.

FOR SALE: 3 bedroom, 1 3/4 bath, 2 living areas, fireplace, utility room, garbage disposal, ceiling fans, central heat and air, storage building, fenced back yard, 20'x30' shop with 12x20 carport attached. Call 387-5411 after 5:30 p.m. and weekends by appointment only.

Five year old, large three bedroom, one bath home with utility room and carport. 44' x 100' lot with large pecan trees. $28,500. Call 387-5274.

MOBILE HOME MOVING

Texas


MOBILE HOMES

Special $100 down on 1984 Melody, 3 bedroom, 2 bath, fireplace, composition roof, $22,468.71 payments $306.81 for 180 months at 14% APR. 915-658-2712 dealer.

1973 Flamingo Mobile Home Call 387-3688, Humphrey Trailer Park.

Take up payments on beautiful 1982, 3 bdrm., 2 bath, Mobile Home in excellent condition. No credit check. We will move home to your location. Call Mr. Davis Collect 915-366-5206.


For Sale or Rent, 2 bedroom, 1 bath...
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. 1161, 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

[Signature]
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. 1161, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

February 24, 1985
Date transmitted to
Texas Department of Water Resources

[Signature]
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. 1161, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

[Signature]
Charles Nemir
Executive Director
By Geistweidt

H.B. No. 1161

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AN ACT

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(2) the land to be included in and the residents of the
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welfare.

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all of the territory located within Sutton County, Texas, except
Sections 60, 67, and 90, Block No. A, HE&WTRyCoSurvey, Sutton
County, Texas.

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competent jurisdiction.

(b) The board of directors may require permits for the
drilling, equipping, and completion of wells in any underground
water reservoir in the district and may issue permits subject to
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wells that are necessary to prevent waste or conserve, preserve,
and protect underground water.

(c) The board of directors may provide for spacing wells
that are producing water from an underground water reservoir in the
district and may 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. The owner of the land or
his heirs, assigns, and lessees may not be denied a permit to drill
a well on his land and the right to produce underground water from
that well subject to rules adopted under this Act.

(d) The board of directors may require records to be kept
and reports to be made of the drilling, equipping, and completion
of wells in any underground water reservoir in the district and of
the production and use of underground water from any reservoir in
the district. Also, the board may require accurate driller's logs
to be kept of those wells and may require a copy of those logs and
of any electric logs that are made of the wells to be filed with
the district.

(e) The board of directors may acquire land:

(1) for the erection of dams;

(2) to drain lakes, draws, depressions, and creeks, and
construct dams; and

(3) to install pumps and other equipment necessary to
recharge an underground water reservoir in the district.

(f) The board of directors may have registered professional
engineers make surveys of the underground water of any underground
water reservoir in the district and of the facilities for the
development, production, and use of underground water from any
reservoir in the district. Also, the board of directors shall have
determined the quantity of the underground water available for
production and use and the improvements, developments, and
recharges that will be necessary for those underground water
reservoirs.

(g) The district shall 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. The plans shall specify in the
amount of detail that may be practicable the activities and
procedures that are necessary to carry out those plans.

(h) The district may carry out research projects, develop
information, and determine limitations, if any, that should be
placed on the withdrawal of underground water.

(i) The district may collect and preserve information
regarding the use of the underground water and the practicability
of recharge of an underground water reservoir in the district.

(j) The district may publish plans and information,
publicize the plans and information to the users of the underground
water within the district, and encourage adoption and execution of
the plans and other measures included in the information.

(k) The district may contract for, sell, and distribute
water from a water import authority or other agency.

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

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initial board of directors are:

(1) James T. Hunt
(2) Norman Rousselot
(3) Joe David Ross
(4) Albert C. Elliott
(5) Mark F. Shurley.

(b) The initial members of the board shall take office on
the effective date of this Act and shall serve until their
successors have been elected and have qualified.

SECTION 10. CONFIRMATION ELECTION. (a) Before the district
is officially created the initial board of directors must call and
hold a confirmation election to confirm the creation of the
district. A majority of the qualified voters must vote favorably
for the proposition to confirm the district.

(b) At the confirmation election, the initial board of
directors shall submit the following propositions:

(1) whether the establishment of the district is confirmed;
(2) the question of levying and collecting a property tax in
the district; and
(3) any other propositions required by this Act.

(c) At the election, the first permanent board of directors
shall be elected.

(d) Only qualified voters who reside in the district may
vote in the election.

(e) Notice of the election shall be published at least two
times in a newspaper with general circulation in the district, the
first publication to be at least 30 days, and the second
publication to be at least 10 days, before the date of the
election.
H.B. No. 1161

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

SECTION 11. EXCLUSION OF LAND. A hearing may not be held to determine whether any land included within the boundaries of the district should be excluded.

SECTION 12. TAX AND BOND PROVISIONS. (a) Except as otherwise provided in this Act, the tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

(b) On approval of a majority of the qualified voters at the confirmation election or a subsequent election called for that purpose, the district may levy and collect taxes to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each $100 of assessed valuation.

(c) At a regular meeting of the board of directors, if the board determines that the tax levied and collected under Subsection (b) of this section is no longer sufficient for the purposes stated in that subsection, the board may call and hold an election to approve the levy and collection of property taxes in excess of the limitation provided by Subsection (b) of this section. If a majority of the qualified voters approve the levy and collection of taxes in excess of the limitation provided by Subsection (b) of this section, the district may levy and collect taxes in the amount approved by the voters at the election called and held under this subsection.

SECTION 13. DISSOLUTION OF THE DISTRICT. The district may
be dissolved as provided by Chapter 52, Water Code.

SECTION 14. ANNEXATION. (a) Additional territory may be
added to the district as provided by Chapter 51 of the Water Code.
(b) The board of directors shall determine to which
director's precinct the annexed land will be added for purposes of
election of directors.

SECTION 15. DIRECTORS. (a) The district is governed by a
board of directors composed 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 Sutton County and one director shall be
elected at large.
(d) To be qualified for election as a director from a
precinct, a person must be a resident of the precinct from which he
is elected.
(e) The three directors receiving the highest number of
votes at the confirmation election shall serve as directors until
the three persons elected at the second regular election of
directors have qualified, and the other two directors shall serve
until the two persons elected at the first regular election of
directors have qualified. After the second election of directors,
an election shall be held each year with two directors elected one
year and three the next year in continuing sequence.

SECTION 16. ELECTIONS. Elections held under this Act shall
be conducted as provided by Chapter 51, Water Code, and the Texas
Election Code.
SECTION 17. 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 Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls.

SECTION 18. 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 AMENDMENT NO. 1

Amend H.B. 1161 by striking lines 15, 16, and 17 on page 1 and substituting the following:

"provided by this Act, Chapters 51 and 52, Water Code."

Craddick

COMMITTEE AMENDMENT NO. 2

Amend H.B. 1161 on page 3 by striking lines 26 and 27 and substitute the following therefor:

"reservoir in the district. The board of directors shall determine the quantity of the underground water available for"

Craddick

COMMITTEE AMENDMENT NO. 3

Amend H.B. 1161 by striking all of Section 11 on page 6 and substituting the following:

"SECTION 11. EXCLUSION OF LAND. Land may be excluded within the district in accordance with the procedures prescribed in Sections 51.691-51.701 in Chapter 51, Water Code."

Craddick
COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

March 19, 1985
(date)

Sirs:

We, your COMMITTEE ON NATURAL RESOURCES, to whom was referred H.B. 1161 have had the same under consideration and beg to report back with the recommendation that it (measure)

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

A fiscal note was requested. ( ) yes ( ) no

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

Consent

The Committee recommends that this measure be placed on the ( ) Local ( ) General

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

House Sponsor of Senate Measure

The measure was reported from Committee by the following vote:

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<tr>
<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
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<tr>
<td>Craddick, Ch.</td>
<td>X</td>
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<td>Shaw, V.C.</td>
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<td>Geistweidt, C.B.O.</td>
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<td>Buchanan</td>
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<td>Clark</td>
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<td>Harris, J.</td>
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<td>Roberts</td>
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Total 9 aye
0 nay
0 present, not voting
0 absent

CHAIRMAN

COMMITTEE COORDINATOR
H.B. 1161
By Geistweidt

Committee on Natural Resources

BILL ANALYSIS

Background Information

It is believed that an underground water conservation district should be created in Sutton County.

Purpose of the Bill

Creates the Sutton County Underground Water District.

Section by Section Analysis

Section 1: Creates the Sutton Underground Water Conservation District subject to a confirmation election.

Section 2: Authorizes the district to operate under the authority of Chapter 51 and 52 of the Water Code as well as other laws relating to underground water conservation districts.

Section 3: Defines "district."

Section 4: Makes findings that the organization of the district is feasible, that the land included in the district will be benefitted by the district, and that there is a public necessity for the district as well as the finding that the creation of the district will further the public welfare.

Section 5: Provides that the district is composed of all the territory located within Sutton County except Sections 60, 67 and 90 of Block No. A, HE&W Railway Company Survey, Sutton County, Texas.

Section 6: Provides that the purpose of the district is for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Chapter 51 and 52, Water Code.

Section 7: (a) Authorizes the board to adopt rules to effectuate the purpose of the district.

(b) Authorizes the board to require permits for drilling, equipping, and completion of wells in any underground water reservoir in the district and may issue permits with terms relating to the drilling, equipping and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water.

(c) Provides for spacing of wells to minimize drawdown and artesian pressure. Provides that the owner of the land or his heirs and assigns and lessees may not be denied a permit to drill a well on his land and the right to produce underground water from that well subject to the rules adopted under this Act.

(d) Provides that the board may require records to be kept and reports to be made of the drilling, equipping, and completion of wells in any underground reservoir and of production and use of groundwater from any reservoir in the district. Provides that the board may require accurate driller logs to be kept and to be filed with the district.

(e) Provides that the board may acquire land for (1) the erection of dams; (2) to drain lakes, draws, depressions, and creeks, and construct dams; and (3) to install pumps and other equipment necessary to recharge an underground water reservoir in the district.
(f) Authorizes the hiring of engineers to make surveys of underground water and of the facilities for the development, production and use of underground water from any reservoir in the district. Provides that the board of directors shall determine the quantity of the underground water available for production and use and the improvements, developments and recharges necessary for underground water reservoirs.

(g) Provides that the district shall develop comprehensive plans for the most efficient use of the underground water and for the control and prevention of waste of the underground water.

(h) Provides that the district may carry out research projects, develop information and determine limitations to be placed on the withdrawal of underground water.

(i) Provides the district may collect and preserve information regarding the use of underground water and the practicability of recharge.

(j) Provides that the district may publish plans and information and encourage adoption and execution of the plans.

(k) Provides the district may contract for, sell, and distribute water from a water import authority or other agency.

Section 8: Provides that the administrative and procedural provisions of Chapter 51 and 52 will generally apply to the district.

Section 9: Names the initial directors.

Section 10: Provides for a confirmation election including submission of a proposition with respect to levying and collecting a property tax.

Section 11: Provides that a hearing may not be held to determine whether any land included within the boundaries of the district should be excluded.

Section 12: (a) Provides that the tax and bond provisions of Chapter 51 and 52 of the Water Code apply to the district.

(b) Provides for levying of taxes subject to an election approving same. Provides that the tax approved may not exceed five cents on each $100 of assessed valuation.

(c) Provides for the board to override the five-cent limitation but only with an election approving such.

Section 13: Provides for dissolution of the district pursuant to Chapter 52, Water Code.

Section 14: Provides for annexation of territory pursuant to Chapter 51.

Section 15: Provides that the district will be governed by a board of directors and that one director shall be elected from each county commissioner's precinct in Sutton County and one director shall be elected at large. Provides for staggered terms.

Section 16: Provides for elections pursuant to the provisions of Chapter 51.

Section 17: Provides that if there is a conflict between Chapters 51 and 52 and provisions of this Act, this Act controls. Provides that if there is a conflict between Chapter 51 and Chapter 52, Chapter 52 controls.

Section 18: 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. 1161 in public hearing on March 19, 1985. It was moved that that the committee adopt three amendments. Upon being duly seconded, the motion prevailed unanimously. It was then moved that H.B. 1161 be reported back to the House with the recommendation that it do pass, as amended and that it be placed on the consent calendar. Upon being duly seconded, the motion was adopted with a vote of nine ayes and no nays and no present-not-voting and none absent.

Committee Amendment No. 1: simply provides clearer and stronger language regarding the applicability of this measure to the existing Water Code.

Committee Amendment No. 2: simply a grammatical correction.

Committee Amendment No. 3: requires a hearing before land can be excluded from the new district.
Honorable Tom Craddick, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

Sir:

In response to your request for a Fiscal Note on House Bill No. 1161 (relating to the creation, administration, powers, duties, operations, and financing of the Sutton 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, PA

69FH81161
COMMITTEE AMENDMENT NO. 1

Amend H.B. 1161 by striking lines 15, 16, and 17 on page 1 and substituting the following:

"provided by this Act, Chapters 51 and 52, Water Code."

ADOPTED

MAR 28 1985

Chief Clerk
House of Representatives
COMMITTEE AMENDMENT NO. 2

Amend H.B. 1161 on page 3 by striking lines 26 and 27 and substitute the following therefor:

"reservoir in the district. The board of directors shall determine the quantity of the underground water available for"

ADOPTED

MAR 28 1895

Betty Murphy
Chief Clerk
House of Representatives
COMMITTEE AMENDMENT NO. 3

Amend H.B. 1161 by striking all of Section 11 on page 6 and substituting the following:

"SECTION 11. EXCLUSION OF LAND. Land may be excluded within the district in accordance with the procedures prescribed in §51.691 - 51.701 in Chapter 51, Water Code."

ADOPTED

MAR 28 1985

Chief Clerk
House of Representatives
A BILL TO BE ENTITLED
AN ACT
relating to the creation, administration, powers, duties, operations, and financing of the Sutton County Underground Water Conservation District.

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

SECTION 1. CREATION OF DISTRICT. Pursuant to Article XVI, Section 59, of the Texas Constitution, and subject to approval at a confirmation election called and held under this Act, the Sutton County Underground Water Conservation District is created as a governmental agency and body politic and corporate.

SECTION 2. GENERAL AUTHORITY. Except as otherwise provided by this Act, the district may exercise the powers essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution and may exercise the rights, powers, and functions provided by this Act and Chapters 51 and 52, Water Code.

SECTION 3. DEFINITION. In this Act, "district" means the Sutton County Underground Water Conservation District.

SECTION 4. LEGISLATIVE FINDINGS. The legislature finds that:

(1) the organization of the district is feasible and practicable;

(2) the land to be included in and the residents of the district will be benefited by the creation of the district;

(3) there is a public necessity for the district; and
(4) the creation of the district will further the public welfare.

SECTION 5. DISTRICT BOUNDARIES. The district is composed of all of the territory located within Sutton County, Texas, except Sections 60, 67, and 90, Block No. A, HETWTRYCoSurvey, Sutton County, Texas.

SECTION 6. PURPOSE OF THE 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 7. POWERS AND DUTIES OF DISTRICT. (a) The board of directors may adopt rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs in the district and may enforce those rules by injunction or other appropriate remedies in a court of competent jurisdiction.

(b) The board of directors may require permits for the drilling, equipping, and completion of wells in any underground water reservoir in the district and may issue permits subject to terms relating to the drilling, equipping, and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water.

(c) The board of directors may provide for spacing wells that are producing water from an underground water reservoir in the district and may 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. The owner of the land or
his heirs, assigns, and lessees may not be denied a permit to drill
a well on his land and the right to produce underground water from
that well subject to rules adopted under this Act.

(d) The board of directors may require records to be kept
and reports to be made of the drilling, equipping, and completion
of wells in any underground water reservoir in the district and of
the production and use of underground water from any reservoir in
the district. Also, the board may require accurate driller's logs
to be kept of those wells and may require a copy of those logs and
of any electric logs that are made of the wells to be filed with
the district.

(e) The board of directors may acquire land:

(1) for the erection of dams;
(2) to drain lakes, draws, depressions, and creeks, and
construct dams; and
(3) to install pumps and other equipment necessary to
recharge an underground water reservoir in the district.

(f) The board of directors may have registered professional
engineers make surveys of the underground water of any underground
water reservoir in the district and of the facilities for the
development, production, and use of underground water from any
reservoir in the district. The board of directors shall determine
the quantity of the underground water available for production and
use and the improvements, developments, and recharges that will be
necessary for those underground water reservoirs.
(g) The district shall 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. The plans shall specify in the
amount of detail that may be practicable the activities and
procedures that are necessary to carry out those plans.

(h) The district may carry out research projects, develop
information, and determine limitations, if any, that should be
placed on the withdrawal of underground water.

(i) The district may collect and preserve information
regarding the use of the underground water and the practicability
of recharge of an underground water reservoir in the district.

(j) The district may publish plans and information,
publicize the plans and information to the users of the underground
water within the district, and encourage adoption and execution of
the plans and other measures included in the information.

(k) The district may contract for, sell, and distribute
water from a water import authority or other agency.

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

SECTION 9. INITIAL DIRECTORS. (a) The members of the
initial board of directors are:

(1) James T. Hunt
(2) Norman Rousselot
(3) Joe David Ross
(4) Albert C. Elliott
(b) The initial members of the board shall take office on the effective date of this Act and shall serve until their successors have been elected and have qualified.

SECTION 10. CONFIRMATION ELECTION. (a) Before the district is officially created the initial board of directors must call and hold a confirmation election to confirm the creation of the district. A majority of the qualified voters must vote favorably for the proposition to confirm the district.

(b) At the confirmation election, the initial board of directors shall submit the following propositions:

(1) whether the establishment of the district is confirmed;

(2) the question of levying and collecting a property tax in the district; and

(3) any other propositions required by this Act.

(c) At the election, the first permanent board of directors shall be elected.

(d) Only qualified voters who reside in the district may vote in the election.

(e) Notice of the election shall be published at least two times in a newspaper with general circulation in the district, the first publication to be at least 30 days, and the second publication to be at least 10 days, before the date of the election.

(f) Returns of the election shall be made to the initial board of directors and the initial board of directors shall canvass those returns and declare the results of the election.
H.B. No. 1161

SECTION 11. EXCLUSION OF LAND. Land may be excluded within the district in accordance with the procedures prescribed in Sections 51.691-51.701 in Chapter 51, Water Code.

SECTION 12. TAX AND BOND PROVISIONS. (a) Except as otherwise provided in this Act, the tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

(b) On approval of a majority of the qualified voters at the confirmation election or a subsequent election called for that purpose, the district may levy and collect taxes to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each $100 of assessed valuation.

(c) At a regular meeting of the board of directors, if the board determines that the tax levied and collected under Subsection (b) of this section is no longer sufficient for the purposes stated in that subsection, the board may call and hold an election to approve the levy and collection of property taxes in excess of the limitation provided by Subsection (b) of this section. If a majority of the qualified voters approve the levy and collection of taxes in excess of the limitation provided by Subsection (b) of this section, the district may levy and collect taxes in the amount approved by the voters at the election called and held under this subsection.

SECTION 13. DISSOLUTION OF THE DISTRICT. The district may be dissolved as provided by Chapter 52, Water Code.

SECTION 14. ANNEXATION. (a) Additional territory may be added to the district as provided by Chapter 51 of the Water Code.
(b) The board of directors shall determine to which director's precinct the annexed land will be added for purposes of election of directors.

SECTION 15. DIRECTORS. (a) The district is governed by a board of directors composed 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 Sutton County and one director shall be elected at large.

(d) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which he is elected.

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

SECTION 16. ELECTIONS. Elections held under this Act shall be conducted as provided by Chapter 51, Water Code, and the Texas Election Code.

SECTION 17. 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 Chapter 51, Water
Code, and Chapter 52, Water Code, Chapter 52 controls.

SECTION 18. 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.
A BILL TO BE ENTITLED
AN ACT

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

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

SECTION 1. CREATION OF DISTRICT. Pursuant to Article XVI, Section 59, of the Texas Constitution, and subject to approval at a confirmation election called and held under this Act, the Sutton County Underground Water Conservation District is created as a governmental agency and body politic and corporate.

SECTION 2. GENERAL AUTHORITY. Except as otherwise provided by this Act, the district may exercise the powers essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution and may exercise the rights, powers, and functions provided by this Act and Chapters 51 and 52, Water Code.

SECTION 3. DEFINITION. In this Act, "district" means the Sutton County Underground Water Conservation District.

SECTION 4. LEGISLATIVE FINDINGS. The legislature finds that:

(1) the organization of the district is feasible and practicable;

(2) the land to be included in and the residents of the district will be benefited by the creation of the district;

(3) there is a public necessity for the district; and

(4) the creation of the district will further the public welfare.

SECTION 5. DISTRICT BOUNDARIES. The district is composed of all of the territory located within Sutton County, Texas, except Sections 60, 67, and 90, Block No. A, HEWTRYCoSurvey, Sutton County, Texas.

SECTION 6. PURPOSE OF THE 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 7. POWERS AND DUTIES OF DISTRICT. (a) The board of directors may adopt rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs in the district and may enforce those rules by injunction or other appropriate remedies in a court of competent jurisdiction.

(b) The board of directors may require permits for the drilling, equipping, and completion of wells in any underground water reservoir in the district and may issue permits subject to terms relating to the drilling, equipping, and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water.

(c) The board of directors may provide for spacing wells that are producing water from an underground water reservoir in the district and may 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. The owner of the land or his heirs, assigns, and lessees may not be denied a permit to drill a well on his land and the right to produce underground water from that well subject to rules adopted under this Act.

(d) The board of directors may require records to be kept and reports to be made of the drilling, equipping, and completion of wells in any underground water reservoir in the district and of the production and use of underground water from any reservoir in the district. Also, the board may require accurate driller's logs to be kept of those wells and may require a copy of those logs and of any electric logs that are made of the wells to be filed with
the district.

(e) The board of directors may acquire land:
(1) for the erection of dams;
(2) to drain lakes, draws, depressions, and creeks, and
construct dams; and
(3) to install pumps and other equipment necessary to
recharge an underground water reservoir in the district.

(f) The board of directors may have registered professional
engineers make surveys of the underground water of any underground
water reservoir in the district and of the facilities for the
development, production, and use of underground water from any
reservoir in the district. The board of directors shall determine
the quantity of the underground water available for production and
use and the improvements, developments, and recharges that will be
necessary for those underground water reservoirs.

(g) The district shall 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. The plans shall specify in the
amount of detail that may be practicable the activities and
procedures that are necessary to carry out those plans.

(h) The district may carry out research projects, develop
information, and determine limitations, if any, that should be
placed on the withdrawal of underground water.

(i) The district may collect and preserve information
regarding the use of the underground water and the practicability
of recharge of an underground water reservoir in the district.

(j) The district may publish plans and information,
publicize the plans and information to the users of the underground
water within the district, and encourage adoption and execution of
the plans and other measures included in the information.

(k) The district may contract for, sell, and distribute
water from a water import authority or other agency.

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

SECTION 9. INITIAL DIRECTORS. (a) The members of the
initial board of directors are:

(1) James T. Hunt
(2) Norman Rousselot
(3) Joe David Ross
(4) Albert C. Elliott
(5) Mark F. Shurley.

(b) The initial members of the board shall take office on
the effective date of this Act and shall serve until their
successors have been elected and have qualified.

SECTION 10. CONFIRMATION ELECTION. (a) Before the district
is officially created the initial board of directors must call and
hold a confirmation election to confirm the creation of the
district. A majority of the qualified voters must vote favorably
for the proposition to confirm the district.

(b) At the confirmation election, the initial board of
directors shall submit the following propositions:

(1) whether the establishment of the district is confirmed;
(2) the question of levying and collecting a property tax in
the district; and
(3) any other propositions required by this Act.

(c) At the election, the first permanent board of directors
shall be elected.

(d) Only qualified voters who reside in the district may
vote in the election.

(e) Notice of the election shall be published at least two
times in a newspaper with general circulation in the district, the
first publication to be at least 30 days, and the second
publication to be at least 10 days, before the date of the
election.

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

SECTION 11. EXCLUSION OF LAND. Land may be excluded within
the district in accordance with the procedures prescribed in
Sections 51.691-51.701 in Chapter 51, Water Code.

SECTION 12. TAX AND BOND PROVISIONS. (a) Except as
otherwise provided in this Act, the tax and bond provisions of
Chapters 51 and 52, Water Code, apply to the district.
(b) On approval of a majority of the qualified voters at the
confirmation election or a subsequent election called for that
purpose, the district may levy and collect taxes to pay the
principal of and interest on bonds and to maintain the district.
The tax approved under this subsection may not exceed five cents on
each $100 of assessed valuation.
(c) At a regular meeting of the board of directors, if the
board determines that the tax levied and collected under Subsection
(b) of this section is no longer sufficient for the purposes stated
in that subsection, the board may call and hold an election to
approve the levy and collection of property taxes in excess of the
limitation provided by Subsection (b) of this section. If a
majority of the qualified voters approve the levy and collection of
taxes in excess of the limitation provided by Subsection (b) of
this section, the district may levy and collect taxes in the amount
approved by the voters at the election called and held under this
subsection.

SECTION 13. DISSOLUTION OF THE DISTRICT. The district may
be dissolved as provided by Chapter 52, Water Code.

SECTION 14. ANNEXATION. (a) Additional territory may be
added to the district as provided by Chapter 51 of the Water Code.
(b) The board of directors shall determine to which
director's precinct the annexed land will be added for purposes of
election of directors.

SECTION 15. DIRECTORS. (a) The district is governed by a
board of directors composed 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 Sutton County and one director shall be
elected at large.
(d) To be qualified for election as a director from a
precinct, a person must be a resident of the precinct from which he
is elected.
(e) The three directors receiving the highest number of
votes at the confirmation election shall serve as directors until
the three persons elected at the second regular election of
directors have qualified, and the other two directors shall serve
until the two persons elected at the first regular election of
directors have qualified. After the second election of directors,
an election shall be held each year with two directors elected one
year and three the next year in continuing sequence.

SECTION 16. ELECTIONS. Elections held under this Act shall
be conducted as provided by Chapter 51, Water Code, and the Texas
Election Code.

SECTION 17. 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 Chapter 51, Water
Code, and Chapter 52, Water Code, Chapter 52 controls.

SECTION 18. 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.
H.B. No. 1161

* * * *

Austin, Texas
May 9, 1985

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B.
No. 1161, 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
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Notice is hereby given that HB116, by Geistweidt (Simo), was heard by the Committee on Nat. Resources on 5/8, 1985, and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

[Signature]
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
ENROLLED
H.B. No. 1161

AN ACT

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

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

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(1) the organization of the district is feasible and practicable;

(2) the land to be included in and the residents of the district will be benefited by the creation of the district;

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minimize as far as practicable the drawdown of the water table or
the reduction of the artesian pressure. The owner of the land or
his heirs, assigns, and lessees may not be denied a permit to drill
a well on his land and the right to produce underground water from
that well subject to rules adopted under this Act.

(d) The board of directors may require records to be kept
and reports to be made of the drilling, equipping, and completion
of wells in any underground water reservoir in the district and of
the production and use of underground water from any reservoir in
the district. Also, the board may require accurate driller's logs
to be kept of those wells and may require a copy of those logs and
of any electric logs that are made of the wells to be filed with
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water reservoir in the district and of the facilities for the
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use and the improvements, developments, and recharges that will be
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(g) The district shall 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. The plans shall specify in the amount of detail that may be practicable the activities and procedures that are necessary to carry out those plans.

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(2) Norman Rousselot
(3) Joe David Ross
(4) Albert C. Elliott
(5) Mark F. Shurley.

(b) The initial members of the board shall take office on the effective date of this Act and shall serve until their successors have been elected and have qualified.

SECTION 10. CONFIRMATION ELECTION. (a) Before the district is officially created the initial board of directors must call and hold a confirmation election to confirm the creation of the district. A majority of the qualified voters must vote favorably for the proposition to confirm the district.

(b) At the confirmation election, the initial board of directors shall submit the following propositions:

(1) whether the establishment of the district is confirmed;

(2) the question of levying and collecting a property tax in the district; and

(3) any other propositions required by this Act.

(c) At the election, the first permanent board of directors shall be elected.

(d) Only qualified voters who reside in the district may vote in the election.

(e) Notice of the election shall be published at least two times in a newspaper with general circulation in the district, the first publication to be at least 30 days, and the second publication to be at least 10 days, before the date of the election.

(f) Returns of the election shall be made to the initial board of directors and the initial board of directors shall canvass those returns and declare the results of the election.
SECTION 11. EXCLUSION OF LAND. Land may be excluded within the district in accordance with the procedures prescribed in Sections 51.691-51.701 in Chapter 51, Water Code.

SECTION 12. TAX AND BOND PROVISIONS. (a) Except as otherwise provided in this Act, the tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

(b) On approval of a majority of the qualified voters at the confirmation election or a subsequent election called for that purpose, the district may levy and collect taxes to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each $100 of assessed valuation.

(c) At a regular meeting of the board of directors, if the board determines that the tax levied and collected under Subsection (b) of this section is no longer sufficient for the purposes stated in that subsection, the board may call and hold an election to approve the levy and collection of property taxes in excess of the limitation provided by Subsection (b) of this section. If a majority of the qualified voters approve the levy and collection of taxes in excess of the limitation provided by Subsection (b) of this section, the district may levy and collect taxes in the amount approved by the voters at the election called and held under this subsection.

SECTION 13. DISSOLUTION OF THE DISTRICT. The district may be dissolved as provided by Chapter 52, Water Code.

SECTION 14. ANNEXATION. (a) Additional territory may be added to the district as provided by Chapter 51, Water Code.
(b) The board of directors shall determine to which director's precinct the annexed land will be added for purposes of election of directors.

SECTION 15. DIRECTORS. (a) The district is governed by a board of directors composed 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 Sutton County and one director shall be elected at large.

(d) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which he is elected.

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

SECTION 16. ELECTIONS. Elections held under this Act shall be conducted as provided by Chapter 51, Water Code, and the Texas Election Code.

SECTION 17. 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 Chapter 51, Water
H.B. No. 1161

Code, and Chapter 52, Water Code, Chapter 52 controls.

SECTION 18. 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.
H.B. No. 1161

President of the Senate

Speaker of the House

I certify that H.B. No. 1161 was passed by the House on March 29, 1985, by the following vote: Yeas 135, Nays 0, 2 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 1161, 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 22, 1985.

Chief Clerk of the House

I certify that H.B. No. 1161 was passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: __________________________

Date

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

FEB 25 1985
1. Filed with the Chief Clerk.

MAR 6 1985
2. Read first time and Referred to Committee on

NATURAL RESOURCES

3. Reported favorably (as amended) and sent to Printer at 3:45 P.M.

MAR 25 1985
4. Printed and distributed at 12:03 P.M.

MAR 22 1985
5. Sent to Committee on Calendars at 12:18 P.M.

MAR 28 1985
6. Read second time (amended), passed to third reading (failed by (Non-Record Vote) (Record Vote of nays, present, not voting).

MAR 2 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 _______ yeas, _______ nays, and _______ present, not voting).

MAR 23 1985
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.

MAR 28 1985
9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _______ yeas, _______ nays, _______ present, not voting).

MAR 28 1985
10. Caption ordered amended to conform to body of bill.

MAR 28 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 _______ yeas, _______ nays, and _______ present, not voting).

MAR 23 1985
12. Ordered Engrossed at 12:45 P.M.

MAR 2 1985
13. Engrossed.

MAR 2 1985
14. Returned to Chief Clerk at 10:36 A.M.

APR 1 1985
15. Sent to Senate.

Chief Clerk of the House

APR 1 1985
16. Received from the House

APR 2 1985
17. Read, referred to Committee on

NATURAL RESOURCES

MAY 9 1985
18. Reported favorably

MAY 9 1985
19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 9 1985
20. Ordered not printed.

MAY 9 1985
21. Regular order of business suspended by

(a vote of _______ yeas, _______ nays.)
22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of ________ yeas, ________ nays.

MAY 17 1985
Laid before Senate

23. Read second time passed to third reading by: ________ yeas, ________ nays.

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

MAY 17 1985

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

MAY 24 1985

26. Read third time and passed by ________ yeas, ________ nays.

(30 yeas, 0 nays)

Secretary of the Senate

OTHER ACTION:

OTHER ACTION:

27. Returned to the House.

May 17 1985

28. Received from the Senate (without amendments) (as amended)

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

30. Conference Committee Ordered.

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

May 17 1985

32. Ordered Enrolled at 5:30 P.M.
March 11, 1985

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

Dear Mr. Chairman,

In response to your request for an Author's Fiscal Statement on House Bill 1161 (relating to the creation, administration, powers, duties, operations and financing of the Sutton County Underground Water Conservation District), I have determined that there will be no fiscal impact to the state.

All costs incurred will be borne by Sutton County residents through, with the approval of a majority of qualified voters, the levying and collection of a property tax within the district.

Please let me know with what further information I can provide you.

Respectfully,

Gerald Geistweidt

/rk
The Honorable Mark White
Governor of Texas

The Honorable W. P. Hobby
President of the Senate

The Honorable Gib Lewis
Speaker of the House of Representatives

Gentlemen:

Re: H.B. 1161 (S.B. 678) relating to creation, administration, powers, duties, operations, and financing of the Sutton County Underground Water Conservation District pursuant to Article XVI, Section 59, Texas Constitution

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. 1161 was received by the Department from the Governor of Texas on February 26, 1985. The bill creates a groundwater district over all of Sutton County (except for three sections in the HE&WTRyCoSurvey) pursuant to Article XVI, Section 59, Texas Constitution, to be named Sutton County Underground Water Conservation District. The proposed district will have practically identical powers and duties as those of an underground water conservation district created pursuant to Chapter 52, Water Code. Although the initial directors, five in number, are appointed by the Legislature in the bill, subsequent directors will be elected. A confirmation election for the creation of the district is required. Property taxes may be levied by the district; however, the maximum tax rate which the district may utilize is $0.05 on each $100 of assessed valuation.

The subject matter of this bill is essentially a matter of local interest and since benefits to the landowners and residents in the
The Honorable Mark White  
The Honorable W. P. Hobby  
The Honorable Gib Lewis  
Page 2  
March 22, 1985  

...district may result from its passage, the Department would not oppose enactment of H.B. 1161.

Sincerely yours,

[Signature]

Seth C. Burnitt  
Deputy Director  

cc: Ms. Betty Murray, Chief Clerk, House of Representatives  
Ms. Betty King, Secretary of the Senate  
Representative Tom Craddick, Chairman - House Natural Resources Committee  
Representative Gerald Geistweit  
Senator Tati Santiesteban, Chairman - Senate Natural Resources Committee  
Senator Bill Simms
President of the Senate

Speaker of the House

I certify that H.B. No. 1161 was passed by the House

on March 18, 1985, by the following vote: Yeas 195, Nays 0, 2 present, not voting. 

and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 1161 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 22, 1985.

Chief Clerk of the House

**** Preparation: 'A;CT33;

I certify that H.B. No. 1161 was passed by the Senate

on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT34;