

I certify that the attached is a true and correct copy of HB 1161, which was filed of record on FEB 25 1985 and referred to the committee on:

Nat. Res.

Betty Murray
Chief Clerk of the House

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HOUSE OF REPRESENTATIVES

FILED FEB 25 1985

By *Gerstwald*

H B. No. 1161

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

20 SECTION 4. LEGISLATIVE FINDINGS. The legislature finds
21 that:

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

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

1 district will be benefited by the creation of the district;

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

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

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

9 SECTION 6. PURPOSE OF THE DISTRICT. The district is created
10 to provide for the conservation, preservation, protection,
11 recharge, and prevention of waste of the underground water
12 reservoirs located under district land consistent with the
13 objectives of Article XVI, Section 59, of the Texas Constitution
14 and Chapters 51 and 52, Water Code.

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

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

27 (c) The board of directors may provide for spacing wells

1 that are producing water from an underground water reservoir in the
2 district and may regulate the production from those wells to
3 minimize as far as practicable the drawdown of the water table or
4 the reduction of the artesian pressure. The owner of the land or
5 his heirs, assigns, and lessees may not be denied a permit to drill
6 a well on his land and the right to produce underground water from
7 that well subject to rules adopted under this Act.

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

16 (e) The board of directors may acquire land:

17 (1) for the erection of dams;

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

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

22 (f) The board of directors may have registered professional
23 engineers make surveys of the underground water of any underground
24 water reservoir in the district and of the facilities for the
25 development, production, and use of underground water from any
26 reservoir in the district. Also, the board of directors shall have
27 determined the quantity of the underground water available for

1 production and use and the improvements, developments, and
2 recharges that will be necessary for those underground water
3 reservoirs.

4 (g) The district shall develop comprehensive plans for the
5 most efficient use of the underground water of any underground
6 water reservoir in the district and for the control and prevention
7 of waste of that underground water. The plans shall specify in the
8 amount of detail that may be practicable the activities and
9 procedures that are necessary to carry out those plans.

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

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

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

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

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

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

27 (1) James T. Hunt

1 (2) Norman Rousselot

2 (3) Joe David Ross

3 (4) Albert C. Elliott

4 (5) Mark F. Shurley.

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

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

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

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

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

18 (3) any other propositions required by this Act.

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

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

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

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

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

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

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

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

27 SECTION 13. DISSOLUTION OF THE DISTRICT. The district may

1 be dissolved as provided by Chapter 52, Water Code.

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

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

7 SECTION 15. DIRECTORS. (a) The district is governed by a
8 board of directors composed of five directors.

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

11 (c) One director shall be elected from each county
12 commissioners precinct in Sutton County and one director shall be
13 elected at large.

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

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

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

1 SECTION 17. STATUTORY INTERPRETATION. If there is a
2 conflict between this Act and Chapter 51 or 52, Water Code, this
3 Act controls. If there is a conflict between Chapter 51, Water
4 Code, and Chapter 52, Water Code, Chapter 52 controls.

5 SECTION 18. EMERGENCY. The importance of this legislation
6 and the crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended,
10 and that this Act take effect and be in force from and after its
11 passage, and it is so enacted.

PUBLISHERS AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF SUTTON

Before me, the undersigned authority, on this day personally appeared Arald Kamm,
known to me, who being duly sworn, on his/her oath, desposes 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 1 issues dated Jan. 2,
19 85.

Arald Kamm

SUBSCRIBED AND SWORN TO BEFORE ME, this 17th day
of January, 19 85.

Mari X. Sanchez
NOTARY PUBLIC in and for Sutton County, Texas

CLASSIFIED AD

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 19 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 on said election day 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.

(Se da aviso por la presente que se llevara a cabo una Eleccion Especial En la Ciudad el dia 19 de Enero de 1985, en la ciudad arriba mencionada para el proposito de

de dicha eleccion. Dicho lugar de votacion se mantendra abierto de las 8:00 a.m. a las 5:00 p.m.

Fechado esta dia 27 de Noviembre de 1984.)

Billy Gosney
Mayor (Alcalde)

Card of Thanks

The family of James E. Gulley wishes to express their heart-felt 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 I will recover soon.

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

FOR RENT/LEASE

Check our reasonable rates at Kasey's Korner. 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. Coner 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 387-2843 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 12x30 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

Eagle Mobile Home Moving and Installation. Insured, bonded, reasonable rates. Call anytime 915/658-6011.

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 1/2 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.

Lease purchase, beautiful 1984 3 bdrm., 2 bath Mobile Home. No down payment. Low monthly payments. In excellent condition. Call Doug Collect 915/366-5653.

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


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 26, 1985

Date transmitted to
Texas Department of Water Resources


Mark White
Governor

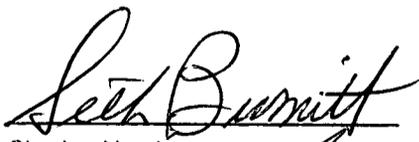
TO: The Honorable Gibson D. "Gib" Lewis
Speaker of the House

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


Charles Nemir
Executive Director

HOUSE COMMITTEE REPORT

1st. Printing

By Geistweidt

H.B. No. 1161

A BILL TO BE ENTITLED

AN ACT

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

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

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7 Section 59, of the Texas Constitution, and subject to approval at a
8 confirmation election called and held under this Act, the Sutton
9 County Underground Water Conservation District is created as a
10 governmental agency and body politic and corporate.

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12 by this Act, the district may exercise the powers essential to
13 accomplish the purposes of Article XVI, Section 59, of the Texas
14 Constitution and may exercise the rights, powers, and functions
15 provided by this Act, Chapters 51 and 52, Water Code, and other
16 laws of this state relating to underground water conservation
17 districts.

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

20 SECTION 4. LEGISLATIVE FINDINGS. The legislature finds
21 that:

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

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

1 district will be benefited by the creation of the district;

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

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

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

9 SECTION 6. PURPOSE OF THE DISTRICT. The district is created
10 to provide for the conservation, preservation, protection,
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16 directors may adopt rules to provide for conserving, preserving,
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18 underground water reservoirs in the district and may enforce those
19 rules by injunction or other appropriate remedies in a court of
20 competent jurisdiction.

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

27 (c) The board of directors may provide for spacing wells

1 that are producing water from an underground water reservoir in the
2 district and may regulate the production from those wells to
3 minimize as far as practicable the drawdown of the water table or
4 the reduction of the artesian pressure. The owner of the land or
5 his heirs, assigns, and lessees may not be denied a permit to drill
6 a well on his land and the right to produce underground water from
7 that well subject to rules adopted under this Act.

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

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18 (2) to drain lakes, draws, depressions, and creeks, and
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20 (3) to install pumps and other equipment necessary to
21 recharge an underground water reservoir in the district.

22 (f) The board of directors may have registered professional
23 engineers make surveys of the underground water of any underground
24 water reservoir in the district and of the facilities for the
25 development, production, and use of underground water from any
26 reservoir in the district. Also, the board of directors shall have
27 determined the quantity of the underground water available for

1 production and use and the improvements, developments, and
2 recharges that will be necessary for those underground water
3 reservoirs.

4 (g) The district shall develop comprehensive plans for the
5 most efficient use of the underground water of any underground
6 water reservoir in the district and for the control and prevention
7 of waste of that underground water. The plans shall specify in the
8 amount of detail that may be practicable the activities and
9 procedures that are necessary to carry out those plans.

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11 information, and determine limitations, if any, that should be
12 placed on the withdrawal of underground water.

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14 regarding the use of the underground water and the practicability
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18 water within the district, and encourage adoption and execution of
19 the plans and other measures included in the information.

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21 water from a water import authority or other agency.

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23 provided by this Act, the administrative and procedural provisions
24 of Chapters 51 and 52, Water Code, apply to the district.

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

27 (1) James T. Hunt

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

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

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

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

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

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20 shall be elected.

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22 vote in the election.

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

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

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13 principal of and interest on bonds and to maintain the district.
14 The tax approved under this subsection may not exceed five cents on
15 each \$100 of assessed valuation.

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

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1 be dissolved as provided by Chapter 52, Water Code.

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

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

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8 board of directors composed of five directors.

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12 commissioners precinct in Sutton County and one director shall be
13 elected at large.

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15 precinct, a person must be a resident of the precinct from which he
16 is elected.

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18 votes at the confirmation election shall serve as directors until
19 the three persons elected at the second regular election of
20 directors have qualified, and the other two directors shall serve
21 until the two persons elected at the first regular election of
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27 Election Code.

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3 Act controls. If there is a conflict between Chapter 51, Water
4 Code, and Chapter 52, Water Code, Chapter 52 controls.

5 SECTION 18. EMERGENCY. The importance of this legislation
6 and the crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended,
10 and that this Act take effect and be in force from and after its
11 passage, and it is so enacted.

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&WT 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 13, 1985

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

In Re: House Bill No. 1161
By: Geistweidt

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

Caddell

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

Betty Murray
Chief Clerk
House of Representatives

Cradwell

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 1985

Betty Murray
Chief Clerk
House of Representatives

Caddell

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

Betsy Murray
Chief Clerk
House of Representatives

HOUSE ENGROSSMENT

By Geistweidt

H.B. No. 1161

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

18 SECTION 4. LEGISLATIVE FINDINGS. The legislature finds
19 that:

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

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

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

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

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

7 SECTION 6. PURPOSE OF THE DISTRICT. The district is created
8 to provide for the conservation, preservation, protection,
9 recharge, and prevention of waste of the underground water
10 reservoirs located under district land consistent with the
11 objectives of Article XVI, Section 59, of the Texas Constitution
12 and Chapters 51 and 52, Water Code.

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

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

25 (c) The board of directors may provide for spacing wells
26 that are producing water from an underground water reservoir in the
27 district and may regulate the production from those wells to

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

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

14 (e) The board of directors may acquire land:

15 (1) for the erection of dams;

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

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

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

1 (g) The district shall develop comprehensive plans for the
2 most efficient use of the underground water of any underground
3 water reservoir in the district and for the control and prevention
4 of waste of that underground water. The plans shall specify in the
5 amount of detail that may be practicable the activities and
6 procedures that are necessary to carry out those plans.

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

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

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

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

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

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

- 24 (1) James T. Hunt
25 (2) Norman Rousselot
26 (3) Joe David Ross
27 (4) Albert C. Elliott

1 (5) Mark F. Shurley.

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

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

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

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

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

15 (3) any other propositions required by this Act.

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

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

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

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

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

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

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

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

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25 be dissolved as provided by Chapter 52, Water Code.

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

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

4 SECTION 15. DIRECTORS. (a) The district is governed by a
5 board of directors composed of five directors.

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

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

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

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

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

25 SECTION 17. STATUTORY INTERPRETATION. If there is a
26 conflict between this Act and Chapter 51 or 52, Water Code, this
27 Act controls. If there is a conflict between Chapter 51, Water

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

2 SECTION 18. EMERGENCY. The importance of this legislation
3 and the crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended,
7 and that this Act take effect and be in force from and after its
8 passage, and it is so enacted.

1 By: Geistweidt (Senate Sponsor - Sims) H.B. No. 1161
2 (In the Senate - Received from the House April 1, 1985;
3 April 2, 1985, read first time and referred to Committee on Natural
4 Resources; May 9, 1985, reported favorably; May 9, 1985, sent to
5 printer.)

6 A BILL TO BE ENTITLED
7 AN ACT

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

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

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

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18 by this Act, the district may exercise the powers essential to
19 accomplish the purposes of Article XVI, Section 59, of the Texas
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25 that:

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

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

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32 welfare.

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

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46 underground water reservoirs in the district and may enforce those
47 rules by injunction or other appropriate remedies in a court of
48 competent jurisdiction.

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

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56 that are producing water from an underground water reservoir in the
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59 the reduction of the artesian pressure. The owner of the land or
60 his heirs, assigns, and lessees may not be denied a permit to drill
61 a well on his land and the right to produce underground water from
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64 and reports to be made of the drilling, equipping, and completion
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10 The tax approved under this subsection may not exceed five cents on
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35 commissioners precinct in Sutton County and one director shall be
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56 and the crowded condition of the calendars in both houses create an
57 emergency and an imperative public necessity that the
58 constitutional rule requiring bills to be read on three several
59 days in each house be suspended, and this rule is hereby suspended,
60 and that this Act take effect and be in force from and after its
61 passage, and it is so enacted.

* * * * *

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 HB1161, by Geistweidt (Sins),
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.


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.

4

ENROLLED

H.B. No. 1161

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

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

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4 all of the territory located within Sutton County, Texas, except
5 Sections 60, 67, and 90, Block No. A, HE&WTRYCoSurvey, Sutton
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22 terms relating to the drilling, equipping, and completion of the
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25 (c) The board of directors may provide for spacing wells
26 that are producing water from an underground water reservoir in the
27 district and may regulate the production from those wells to

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

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

14 (e) The board of directors may acquire land:

15 (1) for the erection of dams;

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

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

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

1 (g) The district shall develop comprehensive plans for the
2 most efficient use of the underground water of any underground
3 water reservoir in the district and for the control and prevention
4 of waste of that underground water. The plans shall specify in the
5 amount of detail that may be practicable the activities and
6 procedures that are necessary to carry out those plans.

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

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

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

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

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

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

- 24 (1) James T. Hunt
25 (2) Norman Rousselot
26 (3) Joe David Ross
27 (4) Albert C. Elliott

1 (5) Mark F. Shurley.

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

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

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

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

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

15 (3) any other propositions required by this Act.

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

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

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

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

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

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

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

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

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

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

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

4 SECTION 15. DIRECTORS. (a) The district is governed by a
5 board of directors composed of five directors.

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

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

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

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

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

25 SECTION 17. STATUTORY INTERPRETATION. If there is a
26 conflict between this Act and Chapter 51 or 52, Water Code, this
27 Act controls. If there is a conflict between Chapter 51, Water

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

2 SECTION 18. EMERGENCY. The importance of this legislation
3 and the crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended,
7 and that this Act take effect and be in force from and after its
8 passage, and it is so enacted.

President of the Senate

Speaker of the House

I certify that H.B. No. 1161 was passed by the House on March 28, 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

H. B. No. 1161

By Gerstweidt

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

3-19-85

3. Reported favorably (as amended) and sent to Printer at 5:45 p.m.
(as substituted) MAR 21 1985

MAR 25 1985

4. Printed and distributed at 12:03 pm

MAR 25 1985

5. Sent to Committee on Calendars at 12:18 pm

MAR 28 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.

MAR 28 1985

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of 135 yeas, 0 nays, 2 present, not voting).

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

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

MAR 28 1985

12. Ordered Engrossed at 12:45 pm

MAR 29 1985

13. Engrossed.

MAR 29 1985

14. Returned to Chief Clerk at 10:36 am

APR 1 1985

15. Sent to Senate.

Betty Murray
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

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.)

_____ 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: (a viva voce vote) _____ 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 29 yeas, 1 nays to place bill on third reading and final passage.

MAY 17 1985

_____ 26. Read third time and passed by (a viva voce vote.) 30 yeas, 0 nays.)

OTHER ACTION: OTHER ACTION:

Betty King

Secretary of the Senate

May 17, 1985 27. Returned to the House.

MAY 17 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.

_____ 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.

RECEIVED HOUSE OF REPRESENTATIVES
MAY 29 AM 10 30
1985

MR
NR



State of Texas
House of Representatives

DISTRICT 67

GERALD GEISTWEIDT
STATE REPRESENTATIVE

P.O. BOX 2910
AUSTIN, TEXAS 78769-2910
(512) 475-0370

P.O. DRAWER P
MASON, TEXAS 76856
(915) 347-6328

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

TEXAS DEPARTMENT OF WATER RESOURCES

1700 N. Congress Avenue
Austin, Texas



Charles E. Nemir
Executive Director

March 22, 1985

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

TEXAS WATER COMMISSION

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

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,



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 Geistweidt
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
(1)
on March 18, 1985, by the following
(2)
vote: Yeas 135, Nays 0, 2 present, not voting;
(3) (4)
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,
(5)
and the recommendation of the Texas Water Commission was filed
with the Speaker of the House on March 22, 1985.
(6)

Chief Clerk of the House

**** Preparation: 'A;CT33;

I certify that H.B. No. 1161 was passed by the Senate
(1)
on May 17, 1985, by the following
(2)
vote: Yeas 30, Nays 0.
(3) (4)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT34;