

1985 MAR 26 PM 1:40

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of HB 2382 which was filed of record on MAR 20 1985 and referred to the committee on: Nat. Res.

Betty Mearns
Chief Clerk of the House

FILED MAR 20 1985

By *Rudd*

H B. No. 2382

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 underground water reservoir in the district;

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

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

7 (13) contract with other districts that have powers similar
8 to those of the district to achieve common goals.

9 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
10 this Act, the administrative and procedural provisions of Chapters
11 51 and 52, Water Code, apply to the district.

12 SECTION 7. INITIAL DIRECTORS. (a) The members of the
13 initial board of directors are:

14 (1) Earl Dickenson;

15 (2) Rufus Tom;

16 (3) Kathy Knox;

17 (4) James Sawyer; and

18 (5) John Campbell.

19 (b) The initial members of the board shall serve until their
20 successors have been elected and have qualified.

21 (c) If any person appointed as one of the initial directors
22 fails to qualify for office, the commissioners court shall appoint
23 another person to fill the position.

24 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
25 finds that all of the land included within the boundaries of the
26 district will be benefited and that the district is created to
27 serve a public use and benefit.

1 (b) Within 30 days after the effective date of this Act and
2 without the necessity of having a petition presented, the initial
3 board of directors shall call an election to be held in the
4 district for the purpose of confirming the organization of the
5 district, provided the election is not held sooner than 60 days nor
6 later than 90 days after the election is ordered.

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

9 (1) the creation of the Martin County Underground Water
10 Conservation District; and

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

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

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

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

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

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

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

7 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
8 Chapters 51 and 52, Water Code, apply to the district.

9 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
10 52, Water Code, applies to dissolution of the district.

11 SECTION 11. ANNEXATION. Additional territory may be added
12 to the district as provided by Chapter 51, Water Code. The board
13 of directors shall determine to which precinct the annexed land
14 will be added for purposes of election of directors.

15 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
16 governed by a board of directors that consists of five directors.

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

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

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

24 (e) After the election of directors at the confirmation
25 election held under Section 8 of this Act, regular elections for a
26 portion of the board of directors shall be held in each
27 even-numbered year. The directors elected from commissioners

1 precincts 1 and 3 and the director elected at large at the
2 confirmation election shall serve as directors until the first
3 regular meeting of the board after the second regular election of
4 directors, and the directors elected from commissioners precincts 2
5 and 4 at the confirmation election shall serve until the first
6 regular meeting of the board after the first regular election of
7 directors.

8 SECTION 13. STATUTORY INTERPRETATION. If there is a
9 conflict between this Act and Chapter 51 or 52, Water Code, this
10 Act controls. If there is a conflict between the application of
11 Chapter 51, Water Code, and Chapter 52, Water Code, to the
12 district, Chapter 52 controls.

13 SECTION 14. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

APPENDIX J

(Publisher's Affidavit of Publication)

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF MARTIN

Before me, a Notary Public in and for Martin County, this day personally appeared James W. Brown, Jr., Publisher, Martin County News, who, being duly sworn, states that the following advertisement was published in Martin County News on January 25, 1985.

NOTICE
This is to give notice of intent to introduce in the 69th Legislature, Regular Session, a bill to be entitled an Act relating to the creation, administration, powers, duties, operation, and financing of the Martin County Underground Water Conservation District.

James W. Brown, Jr.

Sworn to and subscribed before me this 12th day of February, 19 85



H.D. HOWARD
Notary Public, State of Texas
My Commission Expires June 7, 1986

H. D. Howard

My commission expires _____, 19 ____.

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. 2382, 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.

MAR 20 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. 2382, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

March 21, 1985

Date transmitted to
Texas Department of Water Resources


Mark White
Governor

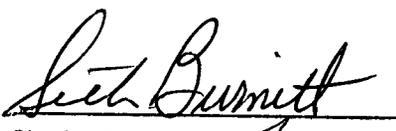
TO: The Honorable Gibson D. "Gib" Lewis
Speaker of the House

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. 2382, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Charles Nemir
Executive Director

HOUSE COMMITTEE REPORT

1st. Printing

By Rudd

H.B. No. 2382

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8 Conservation District is created as a governmental agency and body
9 politic and corporate, authorized to exercise the powers essential
10 to the accomplishment of the purposes of that constitutional
11 provision and to exercise the rights, powers, duties, privileges,
12 and functions provided by this Act and by Chapters 51 and 52, Water
13 Code, and by other laws of this state relating to underground water
14 conservation districts.

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16 Martin County Underground Water Conservation District.

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6 water from the underground water reservoirs;

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

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

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

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

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

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

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

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

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

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

1 underground water reservoir in the district;

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

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

7 (13) contract with other districts that have powers similar
8 to those of the district to achieve common goals.

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13 initial board of directors are:

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18 (5) John Campbell.

19 (b) The initial members of the board shall serve until their
20 successors have been elected and have qualified.

21 (c) If any person appointed as one of the initial directors
22 fails to qualify for office, the commissioners court shall appoint
23 another person to fill the position.

24 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
25 finds that all of the land included within the boundaries of the
26 district will be benefited and that the district is created to
27 serve a public use and benefit.

1 (b) Within 30 days after the effective date of this Act and
2 without the necessity of having a petition presented, the initial
3 board of directors shall call an election to be held in the
4 district for the purpose of confirming the organization of the
5 district, provided the election is not held sooner than 60 days nor
6 later than 90 days after the election is ordered.

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8 for voting for or against the following propositions:

9 (1) the creation of the Martin County Underground Water
10 Conservation District; and

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

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

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

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

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

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

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

7 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
8 Chapters 51 and 52, Water Code, apply to the district.

9 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
10 52, Water Code, applies to dissolution of the district.

11 SECTION 11. ANNEXATION. Additional territory may be added
12 to the district as provided by Chapter 51, Water Code. The board
13 of directors shall determine to which precinct the annexed land
14 will be added for purposes of election of directors.

15 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
16 governed by a board of directors that consists of five directors.

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

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

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

24 (e) After the election of directors at the confirmation
25 election held under Section 8 of this Act, regular elections for a
26 portion of the board of directors shall be held in each
27 even-numbered year. The directors elected from commissioners

1 precincts 1 and 3 and the director elected at large at the
2 confirmation election shall serve as directors until the first
3 regular meeting of the board after the second regular election of
4 directors, and the directors elected from commissioners precincts 2
5 and 4 at the confirmation election shall serve until the first
6 regular meeting of the board after the first regular election of
7 directors.

8 SECTION 13. STATUTORY INTERPRETATION. If there is a
9 conflict between this Act and Chapter 51 or 52, Water Code, this
10 Act controls. If there is a conflict between the application of
11 Chapter 51, Water Code, and Chapter 52, Water Code, to the
12 district, Chapter 52 controls.

13 SECTION 14. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 1

H.B. 2382 is amended as follows:

(1) On page 7, renumber Section 14 of the bill as Section 15.

(2) Add a new Section 14 to read as follows:

SECTION 14. DISSOLUTION OF EXISTING DISTRICT. The Martin County Underground Water District No. 1, created in 1951 under Chapter 52, Water Code, is dissolved.

69R5936 SHH-D

Craddick

BILL ANALYSIS

Background Information

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

Purpose of the Bill

Creates the Martin County Underground Water Conservation District.

Section by Section Analysis

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

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

Section 3: Provides that the territory within the district shall be the territory of Martin County.

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

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

- (1) the authority to make rules;
- (2) the authority to enforce rules;
- (3) requiring permits for the drilling, equipping, and completion of wells within the district and to issue permits that include terms and provisions for said activities that are necessary to prevent waste or conserve, preserve and protect underground water;
- (4) regulating the spacing of wells and regulating the production from the wells; provided that the owner of the land, his heirs, assigns, and lessees are not to be denied a permit to drill a well on their land and the right to produce water from that well subject to the rules adopted under the Act;
- (5) requires records to be kept and reports to be made of the drilling, equipping and completion of wells and the taking and use of underground water and further requires accurate driller logs be kept of the wells and to be filed with the district;
- (6) authorizes the district to acquire land for the erection of dams and draining lakes, draws and depressions; to construct dams, to drain lakes, depressions, draws and creeks; and install pumps and other equipment necessary to recharge any underground water reservoirs in the district;
- (7) to have surveys made of the underground water and the facilities for the development, production and use of water and to determine the quantity of underground water available for production and the improvements, developments and recharges needed for underground water reservoirs;

- (8) to develop comprehensive plans for the most efficient use of underground water and for the control and prevention of waste of that ground-water;
- (9) to carry out research projects, develop information and determine limitations that should be made on the withdrawal of underground water;
- (10) to collect and preserve information regarding the use of underground water and the practicability of recharge of any underground water reservoir;
- (11) to publish plans and information and bring them to the attention of the users of underground water in the district and to encourage their adoption and execution; and
- (12) to contract for, sell, and distribute water from a water import authority or other agency;
- (13) to contract with other districts.

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

Section 7: Names five persons to serve as the initial board of directors and provides for the filling of vacancies.

Section 8: Requires a confirmation election and provides for election of directors for the district.

Section 9: Provides that the tax and bond provisions of Chapter 51 and 52 of the Water Code apply to the district.

Section 10: Provides that Subchapter G of Chapter 52, Water Code, applies with respect to dissolution of the district.

Section 11: Provides that additional territory may be added to the district pursuant to the annexation provisions found in Chapter 51.

Section 12: Provides for election of five directors, with one director to be elected at large and the other four directors to be elected from areas conterminous with the county commissioner precincts. Further provides for four-year staggered terms.

Section 13: Provides that to the extent of any conflict between the laws found in Chapter 51 and 52, Water Code, the provisions of Chapter 52 will control, and to the extent the provisions of this Act conflict with either one of those chapters, the provisions of the Act will prevail.

Section 14: Provides for the dissolution of Martin County Underground Water District No. 1 (created in 1951).

Section 15: Emergency clause.

Rulemaking Authority

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

Summary of Committee Action

The Committee on Natural Resources heard HB 2382 in public hearing on April 9, 1985. No one testified in favor or in opposition to the measure. HB 2198 was laid on the table, subject to the call of the Chair. On April 16, 1985 the Chairman of the Committee on Natural Resources called HB 2382 from the table. It was moved that the committee adopt an amendment, which dissolves the underground water district set up in this area in 1951. The motion prevailed. It was moved that HB 2382 be reported back to the House with the recommendation that it do pass, with amendment; and that the bill should be placed on the local calendar. The motion prevailed with a vote of nine ayes and no nays.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 8, 1985

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

In Re: House Bill No. 2382
By: Rudd

Sir:

In response to your request for a Fiscal Note on House Bill No. 2382 (relating to the creation, administration, powers, duties, operation, and financing of the Martin County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal impact on units of local government.


Jim Oliver
Director

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

Texas House of Representatives



P.O. Box 2910
Austin, Texas 78769-2910
(512) 475-4192
Rm. 305, Capitol

420 W. Main
Brownfield, Texas 79316
(806) 637-7616

STATE REPRESENTATIVE

Jim D. Rudd

April 9, 1985

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

Sir:

In response to your request for a Fiscal Statement on HB 2382 (relating to the creation, administration, powers, duties, operation, and financing of the Martin County Underground Water Conservation District) the Martin County Judge has determined the following probable revenue loss from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Revenue Loss out of Martin County Ad Valorem Taxes</u>
1986	\$ -60,000
1987	-60,000
1988	-40,000
1989	-40,000
1990	-40,000

Similar annual revenue losses would continue as long as the provisions of the bill are in effect.

A handwritten signature in cursive script that reads "Jim D. Rudd".
Jim D. Rudd

TEXAS DEPARTMENT OF WATER RESOURCES

1700 N. Congress Avenue
Austin, Texas



Charles E. Nemir
Executive Director

April 3, 1985

TEXAS WATER DEVELOPMENT BOARD

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

TEXAS WATER COMMISSION

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

Honorable Mark White
Governor of Texas

Honorable W. P. Hobby
President of the Senate

Honorable Gib Lewis
Speaker of the House of Representatives

Gentlemen:

Re: H.B. 2382 - Proposed creation of an Article XVI, Section 59,
Texas Constitution district: Martin County Underground Water
Conservation District over all of Martin County

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

H.B. 2382 was received by the Department from the Governor of Texas on
March 21, 1985. This bill would create a conservation and reclamation
district with the name referenced above over all of Martin County.
The district will have the basic powers of water control and
improvement districts (as provided in Chapter 51, Water Code) as well
as those of underground water conservation districts (as provided in
Chapter 52, Water Code) with the overall purpose of the district being
the conservation, preservation, protection, recharge, and prevention
of waste of the underground water reservoirs located under district
land.

The initial board of directors is appointed in the bill. Thereafter,
the directors will be elected for staggered four year terms. One
director will be elected from each county commissioner's precinct and
one director will be elected at large. A confirmation election for
the creation of the district will be required.

The bill provides that if conflicts exist between the application of
Chapter 51, Water Code and Chapter 52, Water Code with respect to this
district, that Chapter 52 will control. Therefore the tax limitation
of Chapter 52, Water Code, of \$0.50 on the \$100 assessed valuation

Honorable Mark White
Honorable W. P. Hobby
Honorable Gib Lewis
Page 2
April 3, 1985

will apply to this district. Also the provision in Chapter 52, Water Code, which exempts the district from Texas Water Commission approval of its bonds and projects will be in effect.

Since the creation of the proposed district is essentially a matter of local interest subject to approval by the people it will affect, and since benefits to the landowners and residents of the proposed district may well result from this creation, the Department would not oppose the enactment of H.B. 2382.

Sincerely yours,



Seth C. Burnitt
Deputy Director

cc: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Tom Craddick - House Natural Resources
Committee
Representative Jim Rudd

ADOPTED

APR 25 1985

Betty Murray
Chief Clerk
House of Representatives

J. B.

Cordell

COMMITTEE AMENDMENT NO. 1

- 1 H.B. 2382 is amended as follows:
- 2 (1) On page 7, renumber Section 14 of the bill as Section
- 3 15.
- 4 (2) Add a new Section 14 to read as follows:
- 5 SECTION 14. DISSOLUTION OF EXISTING DISTRICT. The Martin
- 6 County Underground Water District No. 1, created in 1951 under
- 7 Chapter 52, Water Code, is dissolved.

HOUSE ENGROSSMENT

WED APR 26 PM 6:47

HOUSE OF REPRESENTATIVES

By Rudd

H.B. No. 2382

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 underground water reservoir in the district;

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

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

7 (13) contract with other districts that have powers similar
8 to those of the district to achieve common goals.

9 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
10 this Act, the administrative and procedural provisions of Chapters
11 51 and 52, Water Code, apply to the district.

12 SECTION 7. INITIAL DIRECTORS. (a) The members of the
13 initial board of directors are:

14 (1) Earl Dickenson;

15 (2) Rufus Tom;

16 (3) Kathy Knox;

17 (4) James Sawyer; and

18 (5) John Campbell.

19 (b) The initial members of the board shall serve until their
20 successors have been elected and have qualified.

21 (c) If any person appointed as one of the initial directors
22 fails to qualify for office, the commissioners court shall appoint
23 another person to fill the position.

24 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
25 finds that all of the land included within the boundaries of the
26 district will be benefited and that the district is created to
27 serve a public use and benefit.

1 (b) Within 30 days after the effective date of this Act and
2 without the necessity of having a petition presented, the initial
3 board of directors shall call an election to be held in the
4 district for the purpose of confirming the organization of the
5 district, provided the election is not held sooner than 60 days nor
6 later than 90 days after the election is ordered.

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

9 (1) the creation of the Martin County Underground Water
10 Conservation District; and

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

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

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

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

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

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

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

7 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
8 Chapters 51 and 52, Water Code, apply to the district.

9 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
10 52, Water Code, applies to dissolution of the district.

11 SECTION 11. ANNEXATION. Additional territory may be added
12 to the district as provided by Chapter 51, Water Code. The board
13 of directors shall determine to which precinct the annexed land
14 will be added for purposes of election of directors.

15 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
16 governed by a board of directors that consists of five directors.

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

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

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

24 (e) After the election of directors at the confirmation
25 election held under Section 8 of this Act, regular elections for a
26 portion of the board of directors shall be held in each
27 even-numbered year. The directors elected from commissioners

1 precincts 1 and 3 and the director elected at large at the
2 confirmation election shall serve as directors until the first
3 regular meeting of the board after the second regular election of
4 directors, and the directors elected from commissioners precincts 2
5 and 4 at the confirmation election shall serve until the first
6 regular meeting of the board after the first regular election of
7 directors.

8 SECTION 13. STATUTORY INTERPRETATION. If there is a
9 conflict between this Act and Chapter 51 or 52, Water Code, this
10 Act controls. If there is a conflict between the application of
11 Chapter 51, Water Code, and Chapter 52, Water Code, to the
12 district, Chapter 52 controls.

13 SECTION 14. DISSOLUTION OF EXISTING DISTRICT. The Martin
14 County Underground Water District No. 1, created in 1951 under
15 Chapter 52, Water Code, is dissolved.

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

1 By: Rudd (Senate Sponsor - Montford) H.B. No. 2382
2 (In the Senate - Received from the House April 29, 1985;
3 April 30, 1985, read first time and referred to Committee on
4 Natural Resources; May 15, 1985, reported favorably; May 15, 1985,
5 sent to printer.)

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17 provision and to exercise the rights, powers, duties, privileges,
18 and functions provided by this Act and by Chapters 51 and 52, Water
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52 rules adopted under this Act;

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20 elected from the district at large. To represent a commissioners
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22 (d) Directors serve staggered four-year terms.

23 (e) After the election of directors at the confirmation
24 election held under Section 8 of this Act, regular elections for a
25 portion of the board of directors shall be held in each
26 even-numbered year. The directors elected from commissioners
27 precincts 1 and 3 and the director elected at large at the
28 confirmation election shall serve as directors until the first
29 regular meeting of the board after the second regular election of
30 directors, and the directors elected from commissioners precincts 2
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32 regular meeting of the board after the first regular election of
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35 conflict between this Act and Chapter 51 or 52, Water Code, this
36 Act controls. If there is a conflict between the application of
37 Chapter 51, Water Code, and Chapter 52, Water Code, to the
38 district, Chapter 52 controls.

39 SECTION 14. DISSOLUTION OF EXISTING DISTRICT. The Martin
40 County Underground Water District No. 1, created in 1951 under
41 Chapter 52, Water Code, is dissolved.

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

49 * * * * *

50 Austin, Texas
51 May 15, 1985

52 Hon. William P. Hobby
53 President of the Senate

54 Sir:

55 We, your Committee on Natural Resources to which was referred H.B.
56 No. 2382, have had the same under consideration, and I am
57 instructed to report it back to the Senate with the recommendation
58 that it do pass and be printed.

59 Santiesteban, Chairman

COMMITTEE HISTORY

COMMITTEE: Natural Resources

DATE: 5/16/85

H.B. 2382 was reported back to the Senate as follows:
(Bill Number)

- Without amendments
 With amendments
 With Committee Substitute

Fiscal Implications: Yes
 No

Actuarial Implications: Yes
 No

	AYE	NAY	PNV	ABSENT
SEN. SANTIESTEBAN				
SEN. WILLIAMS	✓			
SEN. BROWN				
SEN. KOTHMANN	✓			
SEN. KRIER	✓			
SEN. LYON	✓			
SEN. MONTFORD	✓			
SEN. SARPALIUS				
SEN. SIMS	✓			
SEN. TRUAN	✓			
SEN. URIBE	✓			
TOTAL	8	0		

The following witnesses testified on the bill:

FOR

AGAINST

RESOURCE WITNESS

BILL ANALYSIS

H.B. 2382

By: Rudd (Montford)

BACKGROUND: Martin County is located in West Texas, and overlies a portion of the Ogallala Aquifer. The main industry in the county is cotton farming but the area receives only about 15 inches of rainfall annually. Due to the drastic drawdown of the Ogallala, water conservation has become a major concern for the citizens of Martin County. Additionally, arsenic was discovered in the eastern part of Martin county's underground water reservoir. The citizens of Martin County requested the creation of a conservation district to conserve and protect the quality of their water.

Martin County currently has an underground water conservation district entitled the Martin County Underground Water District No 1; however, the district has been inactive since it was created. In 1951, the citizens were concerned that Odessa and Big Springs would tap into their water reservoirs, so Martin County had the district created to protect the county's water and prevent Odessa and Big Springs from using it. However, Big Springs and Odessa did not require Martin County's water; consequently, the Martin County Underground Water District No. 1 became inactive.

SB 2382 would create the Martin County Underground Water District under Section 59, of the Texas Constitution. SB 2382 would also dissolve the Martin County Underground Water District No. 1.

PURPOSE: To create an underground water conservation district to manage groundwater resources in Martin County.

SECTION-BY-SECTION ANALYSIS

SECTION 1. CREATION OF DISTRICT

Creates the Martin County Underground Water Conservation District under Article XVI, Section 59, of the Texas Constitution.

SECTION 2: DEFINITION

Defines district as the Martin County Underground Water Conservation District.

SECTION 3: BOUNDARY OF DISTRICT

Sets the boundaries for the district.

SECTION 4: PURPOSE OF DISTRICT

States that the district is created to provide for conservation and protection of the underground water reservoirs located in the district.

SECTION 5: POWERS AND DUTIES OF DISTRICT

Provides for the district to exercise the powers, rights and privileges and functions permitted by Chapter 51 and 52, Water Code, and may:

- (1) enforce rules to provide for conserving and protecting water from underground water reservoirs.
- (2) enforce its rules by injunction or other remedies in a court of competent jurisdiction.
- (3) require permits for drilling wells.
- (4) provide for the spacing of wells and regulate the production from those wells to minimize the draw down of the water table.
- (5) require records to be kept and reports to be made on the drilling of wells into any underground water reservoir.
- (6) acquire land for the creation of dams.
- (7) have made, by registered professional engineers, surveys of any underground water reservoir in the district.
- (8) develop comprehensive plans for the most efficient use of water in underground water reservoir in the district.
- (9) carry out research projects if any limitations should be made on the withdrawal of water from underground water reservoirs located in the district.

- (10) collect information regarding the use of the underground water.
- (11) publish information and plans and encourage their adoption and use.
- (12) contract for, sell, and distribute water.
- (13) contract with other underground water districts to achieve common goals.

SECTION 6: ADMINISTRATIVE PROCEDURES

States that the provisions of Chapter 51 and 52, Water Code, apply to the district.

SECTION 7: INITIAL DIRECTORS

- (a) Names the initial board of directors.
- (b) Provides for the initial board of directors to serve until their successors have been elected and have qualified.
- (c) If any one of the initial directors fails to qualify, the commissioners court will appoint another person to the position.

SECTION 8: CONFIRMATION OF DISTRICT

- (a) States that the legislature finds that all land included within the boundaries of the district will benefit the public.
- (b) Requires that the initial directors call an election, 30 days after the effective date of this Act, to confirm the district.
- (c) States what propositions are to be included on the ballot.
- (d) Provides for the initial board of directors to include other propositions on the ballot.
- (e) States that the ballot will provide for election of the directors of the district.
- (f) Only qualified voters who reside in the district are qualified to vote in an election.
- (g) Requires notice of the election to be published at least twice in a newspaper 30 days before the election.
- (h) Requires the results of the elections to be made to the initial board of directors, and requires the directors to declare the results of the election.
- (i) Prohibits hearings to be held to determine whether any land within the district should be excluded.

SECTION 9: TAXES AND BONDS

Provides that tax and bond provisions in Chapter 51 and 52, Water Code, apply to this section.

SECTION 10: DISSOLUTION OF DISTRICT

Subchapter G, Chapter 52, Water Code, applies to the dissolution of the district.

SECTION 11: ANNEXATION

States that additional territory may be added pursuant to Chapter 51, Water Code.

SECTION 12: DIRECTOR ELECTIONS

- (a) Provides that the district be governed by a five member board of directors.
- (b) Requires that a person be 18 years old and a resident of the district to qualify for an election.
- (c) Requires one director to be elected from each county commissioner's precinct in Martin County, and requires one director to be elected at large.
- (d) States that directors serve staggered four-year terms.
- (e) Requires that directors be elected from precincts 1 and 3, and the director at large at the confirmation election to serve as directors until the first regular meeting after the second regular election of directors, and requires that directors elected from precinct 2 and 4 at the confirmation election serve until the first regular meeting of the board after the first election of directors.

SECTION 13: STATUTORY INTERPRETATION

States that this Act controls, regardless of conflicts that may exist between this and Chapter 51 or 52, Water Code.

SECTION 14: DISSOLUTION OF EXISTING DISTRICT

Dissolves the Martin County Underground Water District No. 1, created in 1951 under Chapter 52 of the Water Code.

SECTION 15: Emergency Clause.

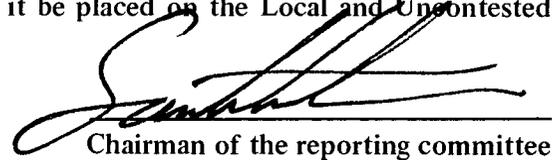
RULE-MAKING AUTHORITY: The Martin County Underground Water Conservation District is authorized to exercise all the powers and duties of underground water conservation districts provided in Chapters 51 and 52, Water Code.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 2382, by: Rudd (Montford)
was heard by the Committee on Nat. Resources on 5/15, 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.

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6 water from the underground water reservoirs;

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

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10 completion of wells in the underground water reservoirs in the
11 district and issue permits that include terms and provisions with
12 reference to the drilling, equipping, and completion of the wells
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15 (4) provide for the spacing of wells producing from the
16 underground water reservoirs in the district and regulate the
17 production from those wells to minimize as far as practicable the
18 drawdown of the water table or the reduction of the artesian
19 pressure, provided, the owner of the land, his heirs, assigns, and
20 lessees are not denied a permit to drill a well on their land and
21 the right to produce underground water from that well subject to
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27 driller's logs to be kept of those wells and a copy of those logs

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

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

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

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

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

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

1 underground water reservoir in the district;

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

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

7 (13) contract with other districts that have powers similar
8 to those of the district to achieve common goals.

9 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
10 this Act, the administrative and procedural provisions of Chapters
11 51 and 52, Water Code, apply to the district.

12 SECTION 7. INITIAL DIRECTORS. (a) The members of the
13 initial board of directors are:

14 (1) Earl Dickenson;

15 (2) Rufus Tom;

16 (3) Kathy Knox;

17 (4) James Sawyer; and

18 (5) John Campbell.

19 (b) The initial members of the board shall serve until their
20 successors have been elected and have qualified.

21 (c) If any person appointed as one of the initial directors
22 fails to qualify for office, the commissioners court shall appoint
23 another person to fill the position.

24 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
25 finds that all of the land included within the boundaries of the
26 district will be benefited and that the district is created to
27 serve a public use and benefit.

1 (b) Within 30 days after the effective date of this Act and
2 without the necessity of having a petition presented, the initial
3 board of directors shall call an election to be held in the
4 district for the purpose of confirming the organization of the
5 district, provided the election is not held sooner than 60 days nor
6 later than 90 days after the election is ordered.

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

9 (1) the creation of the Martin County Underground Water
10 Conservation District; and

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

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

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

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

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

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

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

7 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
8 Chapters 51 and 52, Water Code, apply to the district.

9 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
10 52, Water Code, applies to dissolution of the district.

11 SECTION 11. ANNEXATION. Additional territory may be added
12 to the district as provided by Chapter 51, Water Code. The board
13 of directors shall determine to which precinct the annexed land
14 will be added for purposes of election of directors.

15 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
16 governed by a board of directors that consists of five directors.

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

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

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

24 (e) After the election of directors at the confirmation
25 election held under Section 8 of this Act, regular elections for a
26 portion of the board of directors shall be held in each
27 even-numbered year. The directors elected from commissioners

1 precincts 1 and 3 and the director elected at large at the
2 confirmation election shall serve as directors until the first
3 regular meeting of the board after the second regular election of
4 directors, and the directors elected from commissioners precincts 2
5 and 4 at the confirmation election shall serve until the first
6 regular meeting of the board after the first regular election of
7 directors.

8 SECTION 13. STATUTORY INTERPRETATION. If there is a
9 conflict between this Act and Chapter 51 or 52, Water Code, this
10 Act controls. If there is a conflict between the application of
11 Chapter 51, Water Code, and Chapter 52, Water Code, to the
12 district, Chapter 52 controls.

13 SECTION 14. DISSOLUTION OF EXISTING DISTRICT. The Martin
14 County Underground Water District No. 1, created in 1951 under
15 Chapter 52, Water Code, is dissolved.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2382 was passed by the House on April 25, 1985, by the following vote: Yeas 143, 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. 2382 was transmitted to the Governor on March 20, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on April 3, 1985.

Chief Clerk of the House

I certify that H.B. No. 2382 was passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 2382 was passed by the House
(1)

on April 25, 1985, by the following
(2)

vote: Yeas 115, 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. 2382 was
transmitted to the Governor on March 30, 1985,
(5)

and the recommendation of the Texas Water Commission was filed
with the Speaker of the House on April 3, 1985.
(6)

Chief Clerk of the House

**** Preparation: 'A;CT33;

I certify that H.B. No. 2382 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;

H. B. No.

2382

By

Rudd

A BILL TO BE ENTITLED
AN ACT

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

MAR 20 1985

1. Filed with the Chief Clerk.

MAR 26 1985

2. Read first time and Referred to Committee on

Natural Resources

APR 16 1985

3. Reported favorably (as amended) and sent to Printer at 9:30 am APR 19 1985
(~~as substituted~~)

APR 22 1985

4. Printed and distributed at 2:14 p.m.

APR 22 1985

5. Sent to Committee on Calendars at L+C 2:33 P.M.

APR 25 1985

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of 143 yeas, 0 nays, 2 present, not voting)

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

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

APR 25 1985

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of 143 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).

APR 25 1985

12. Ordered Engrossed at 1:30 pm

APR 25 1985

13. Engrossed.

APR 25 1985

14. Returned to Chief Clerk at 6:47 pm

APR 29 1985

15. Sent to Senate.

Betty Murray

Chief Clerk of the House

APR 29 1985

16. Received from the House

APR 30 1985

17. Read, referred to Committee on NATURAL RESOURCES

MAY 15 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

Raid 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.

HOUSE OF REPRESENTATIVES

1985 APR 26 PM 6:47

NR