A BILL TO BE ENTITLED

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

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

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

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

SECTION 3. DISTRICT BOUNDARY. The district includes all of the area in Coke County, Texas, and the boundaries of the district are coterminous with the boundaries of that county.

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

(b) The board of directors may adopt and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs. Those rules may be enforced by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.

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

(d) The board of directors may provide for the spacing of wells producing from the underground water reservoirs and regulate the production from those wells to minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure. The owner of the land, his heirs, assigns, and lessees may not be denied a permit to drill a well on the land and the right to produce underground water from that well subject to rules adopted under this Act.

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

(f) The district may acquire land for the erection of dams
and for the purpose of draining lakes, depressions, and draws and
may construct dams, drain lakes, depressions, draws, and creeks and
install pumps and other equipment necessary to recharge an
underground water reservoir.

(g) The district may have registered professional engineers
make surveys of the underground water of any underground water
reservoir and of the facilities for the development, production,
and use of that underground water and determine the quantity of the
underground water available for production and use and the
improvements, developments, and recharges needed for those
underground water reservoirs.

(h) The district may develop comprehensive plans for the
most efficient use of the underground water of any underground
water reservoir and for the control and prevention of waste of that
underground water. The plans shall specify in the amount of detail
that may be practicable any act, procedure, performance, and
avoidance necessary to effect those plans.

(i) The district may carry out research projects, develop
information, and determine limitations, if any, that should be made
on the withdrawal of underground water from any underground water
reservoir.
(j) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir.

(k) The board of directors may publish plans and information, bring them to the notice and attention of the users of the underground water within the district, and encourage their adoption and execution.

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

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

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

(1) Arch Mathers;
(2) Otis Smith;
(3) Horace Scott;
(4) Billy Tounget; and
(5) Royce Lee, at large and chairman.

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

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

(b) Not sooner than the 120th day and not later than the 180th day after the effective date of this Act and without the
necessity of having a petition presented, the initial board of
directors shall call an election to be held in the district for the
purpose of confirming the organization of the district. The
election may not be held sooner than the 30th day nor later than
the 120th day after the date on which the election is ordered.

(c) The propositions to be voted on shall include the
question of whether or not the establishment of the district is
confirmed, the question of levying, assessing, and collecting an ad
valorem tax throughout the district, and any other propositions
required by this Act or by the initial board of directors.

(d) The ballot also shall provide for election of the board
of directors.

(e) Only qualified electors who reside in the district are
qualified to vote in the election.

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

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

(h) Hearings may not be held to determine whether or not any
land included within the boundaries of the district should be
excluded.

SECTION 9. TAX AND BOND PROVISIONS. The tax and bond
provisions of Chapters 51 and 52, Water Code, apply to the
district.
SECTION 10. DISSOLUTION OF DISTRICT. Chapter 52, Water Code, applies to dissolution of the district.

SECTION 11. ANNEXATION. Additional territory may be added to the district under Subchapter O, Chapter 51, Water Code. The directors shall determine to which precinct the annexed land shall be added for purposes of election of directors.

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

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 21 years of age.

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

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

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

SECTION 13. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this
Act controls. If there is a conflict between Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls. If there is a conflict between this Act and any other laws, this Act controls.

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

State of Texas
County of Coke

Hal Spain

The undersigned, Hal Spain, publisher of The
Robert Lee Observer, a legal newspaper published weekly
at Robert Lee, Coke County, Texas, hereby certifies that the
attached

was published in said newspaper for .one. weeks,
commencing .Feb. 22, 1985.,
and ending .January, 19.. .

The publisher further certifies that the Robert Lee
Observer has been published regularly and consecutively
during the prior twelve months.

(Signed) Hal Spain

Subscribed and sworn before me this .6. day of .March., 1985.

Kay Styles

Publication Fee $ .20
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. 2418, 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.

APR 4 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. 2418, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

May 22, 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. 2418, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

Charles Nemir
Executive Director
A BILL TO BE ENTITLED
AN ACT

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

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

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

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

SECTION 3. DISTRICT BOUNDARY. The district includes all of the area in Coke County, Texas, and the boundaries of the district are coterminous with the boundaries of that county.

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

(b) The board of directors may adopt and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs. Those rules may be enforced by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.

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

(d) The board of directors may provide for the spacing of wells producing from the underground water reservoirs and regulate the production from those wells to minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure. The owner of the land, his heirs, assigns, and lessees may not be denied a permit to drill a well on the land and the right to produce underground water from that well subject to rules adopted under this Act.

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

(f) The district may acquire land for the erection of dams
and for the purpose of draining lakes, depressions, and draws and
may construct dams, drain lakes, depressions, draws, and creeks and
install pumps and other equipment necessary to recharge an
underground water reservoir.

(g) The district may have registered professional engineers
make surveys of the underground water of any underground water
reservoir and of the facilities for the development, production,
and use of that underground water and determine the quantity of the
underground water available for production and use and the
improvements, developments, and recharges needed for those
underground water reservoirs.

(h) The district may develop comprehensive plans for the
most efficient use of the underground water of any underground
water reservoir and for the control and prevention of waste of that
underground water. The plans shall specify in the amount of detail
that may be practicable any act, procedure, performance, and
avoidance necessary to effect those plans.

(i) The district may carry out research projects, develop
information, and determine limitations, if any, that should be made
on the withdrawal of underground water from any underground water
reservoir.
(j) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir.

(k) The board of directors may publish plans and information, bring them to the notice and attention of the users of the underground water within the district, and encourage their adoption and execution.

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

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

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

   (1) Arch Mathers;
   (2) Otis Smith;
   (3) Horace Scott;
   (4) Billy Tounget; and
   (5) Royce Lee, at large and chairman.

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

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

(b) Not sooner than the 120th day and not later than the 180th day after the effective date of this Act and without the
necessity of having a petition presented, the initial board of
directors shall call an election to be held in the district for the
purpose of confirming the organization of the district. The
election may not be held sooner than the 30th day nor later than
the 120th day after the date on which the election is ordered.

(c) The propositions to be voted on shall include the
question of whether or not the establishment of the district is
confirmed, the question of levying, assessing, and collecting an ad
valorem tax throughout the district, and any other propositions
required by this Act or by the initial board of directors.

(d) The ballot also shall provide for election of the board
of directors.

(e) Only qualified electors who reside in the district are
qualified to vote in the election.

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

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

(h) Hearings may not be held to determine whether or not any
land included within the boundaries of the district should be
excluded.

SECTION 9. TAX AND BOND PROVISIONS. The tax and bond
provisions of Chapters 51 and 52, Water Code, apply to the
district.
SECTION 10. DISSOLUTION OF DISTRICT. Chapter 52, Water Code, applies to dissolution of the district.

SECTION 11. ANNEXATION. Additional territory may be added to the district under Subchapter O, Chapter 51, Water Code. The directors shall determine to which precinct the annexed land shall be added for purposes of election of directors.

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

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 21 years of age.

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

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

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

SECTION 13. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this
Act controls. If there is a conflict between Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls. If there is a conflict between this Act and any other laws, this Act controls.

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

Sir:  

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

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

A fiscal note was requested. ☑ yes ( ) no  
An actuarial analysis was requested. ( ) yes ☑ no  

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

The Committee recommends that this measure be placed on the ________ Calendar.  
This measure ☑ proposes new law. ☑ amends existing law.  

House Sponsor of Senate Measure ____________________________________________  

The measure was reported from Committee by the following vote:  

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

Total 7 aye  
0 nay  
0 present, not voting  
2 absent  

[Signatures]

CHAIRMAN

COMMITTEE COORDINATOR
BILL ANALYSIS

Background Information

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

Purpose of the Bill

Creates the Coke County Underground Water Conservation District.

Section by Section Analysis

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

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

Section 3: Provides that the territory within the district shall be coterminal with the territory of Coke 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:

(a) as provided by Chapters 51 and 52, Water Code and the authority provided by this section;
(b) the authority to make and enforce rules;
(c) 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;
(d) 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 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;
(e) allows drilling 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 allows accurate driller logs be kept of the wells and to be filed with the district;
(f) 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 district
(g) 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;
(h) to develop comprehensive plans for the most efficient use of underground water and for the control and prevention of waste of that groundwater;
(i) to carry out research projects, develop information and determine limitations that should be made on the withdrawal of underground water;

(j) to collect and preserve information regarding the use of underground water and the practicability of recharge of any underground water reservoir;

(k) 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

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

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

Section 7: Provides the five initial directors and that they serve until their qualified successors have been elected.

Section 8: Requires a confirmation election and provides for election of directors of 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 Chapter 52, Water Code, applies with respect to the 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 coterminous with the county commissioner precincts. Further provides for staggering of 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: 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 2418 in public hearing on April 23, 1985. No one present testified for or against the bill. It was moved that HB 2418 be reported back to the House with the recommendation that it do pass, without amendments and that it be placed on the local calendar. The motion prevailed with a vote of 7 ayes, no nays, and 2 absent.
Honorable Tom Craddick, Chair
Committee on National Resources
House of Representatives
Austin, Texas

Sir:

In response to your request for a Fiscal Note on House Bill No. 2418 (relating to the creation, administration, powers, duties, operation, and financing of the Coke County Underground Water 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, LV
April 22, 1985

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

RE: Author's Fiscal Statement, House Bill 2418, (Relating to the creation, administration, powers, duties, operation, and financing of the Coke County Underground Water Conservation District).

Sir:

In response to your recent request for an Author's Fiscal Statement on House Bill 2418, we have determined the following:

1. COST TO STATE GOVERNMENT: Absolutely no fiscal implication is anticipated.

2. COST TO COKE COUNTY GOVERNMENT: Funded through Ad Valorem Tax revenues and permits from the Coke County Underground Water Conservation District:
   A. Cost of confirming election
   B. Per diem expenses of Board
   C. Compensation for any professional assistance required; (Attorneys and Engineers)
   D. Administrative expenses, if any; (general manager, additional personnel, operating expenses, etc...)

3. FISCAL YEAR PROJECTIONS:
   1986...$1,500-election cost; $1,500-board per diem; $5,000 professional assistance; $2,500-administrative expense. TOTAL: $10,500
   1987...$1,500-board per diem; $5,000-professional assistance; $16,000-administrative expense TOTAL: $22,500
1988...$1,500-board per diem; $5,000-professional assistance; $17,000-administrative expense
TOTAL: $23,500

1989...$1,500-board per diem; $5,000-professional assistance; $18,000-administrative expense
TOTAL: $24,500

1990...$1,500-board per diem; $5,000-professional assistance; $19,000-administrative expense
TOTAL: $25,500

Please let me know if I can provide further assistance to you.

Sincerely,

[Signature]
Dick Burnett

DB/kw
A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SECTION 3. DISTRICT BOUNDARY. The district includes all of the area in Coke County, Texas, and the boundaries of the district are coterminous with the boundaries of that county.

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

(b) The board of directors may adopt and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs. Those rules may be enforced by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.

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

(d) The board of directors may provide for the spacing of wells producing from the underground water reservoirs and regulate the production from those wells to minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure. The owner of the land, his heirs, assigns, and lessees may not be denied a permit to drill a well on the land and the right to produce underground water from that well subject to rules adopted under this Act.

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

(f) The district may acquire land for the erection of dams
and for the purpose of draining lakes, depressions, and draws and
may construct dams, drain lakes, depressions, draws, and creeks and
install pumps and other equipment necessary to recharge an
underground water reservoir.

(g) The district may have registered professional engineers
make surveys of the underground water of any underground water
reservoir and of the facilities for the development, production,
and use of that underground water and determine the quantity of the
underground water available for production and use and the
improvements, developments, and recharges needed for those
underground water reservoirs.

(h) The district may develop comprehensive plans for the
most efficient use of the underground water of any underground
water reservoir and for the control and prevention of waste of that
underground water. The plans shall specify in the amount of detail
that may be practicable any act, procedure, performance, and
avoidance necessary to effect those plans.

(i) The district may carry out research projects, develop
information, and determine limitations, if any, that should be made
on the withdrawal of underground water from any underground water
reservoir.
(j) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir.

(k) The board of directors may publish plans and information, bring them to the notice and attention of the users of the underground water within the district, and encourage their adoption and execution.

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

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

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

(1) Arch Mathers;
(2) Otis Smith;
(3) Horace Scott;
(4) Billy Tounglet; and
(5) Royce Lee, at large and chairman.

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

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

(b) Not sooner than the 120th day and not later than the 180th day after the effective date of this Act and without the
necessity of having a petition presented, the initial board of
directors shall call an election to be held in the district for the
purpose of confirming the organization of the district. The
election may not be held sooner than the 30th day nor later than
the 120th day after the date on which the election is ordered.

(c) The propositions to be voted on shall include the
question of whether or not the establishment of the district is
confirmed, the question of levying, assessing, and collecting an ad
valorem tax throughout the district, and any other propositions
required by this Act or by the initial board of directors.

(d) The ballot also shall provide for election of the board
of directors.

(e) Only qualified electors who reside in the district are
qualified to vote in the election.

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

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

(h) Hearings may not be held to determine whether or not any
land included within the boundaries of the district should be
excluded.

SECTION 9. TAX AND BOND PROVISIONS. The tax and bond
provisions of Chapters 51 and 52, Water Code, apply to the
district.
SECTION 10. DISSOLUTION OF DISTRICT. Chapter 52, Water Code, applies to dissolution of the district.

SECTION 11. ANNEXATION. Additional territory may be added to the district under Subchapter O, Chapter 51, Water Code. The directors shall determine to which precinct the annexed land shall be added for purposes of election of directors.

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

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 21 years of age.

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

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

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

SECTION 13. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this
Act controls. If there is a conflict between Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls. If there is a conflict between this Act and any other laws, this Act controls.

SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
By: Burnett (Senate Sponsor - Sims) H.B. No. 2418
(In the Senate - Received from the House May 6, 1985;
May 6, 1985, read first time and referred to Committee on Natural
Resources; May 15, 1985, reported favorably; May 15, 1985, sent to
printer.)

A BILL TO BE ENTITLED
AN ACT
relating to the creation, administration, powers, duties,
operation, and financing of the Coke County Underground Water
Conservation District.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section
59, of the Texas Constitution, the Coke County Underground Water
Conservation District is created as a governmental agency and body
political and corporate, authorized to exercise the powers essential
to the accomplishment of the purposes of that constitutional
provision and to exercise the rights, powers, duties, privileges,
and functions provided by this Act, Chapters 51 and 52, Water Code,
and other laws of this state relating to underground water
conservation districts.
SECTION 2. DEFINITION. In this Act, "district" means the
Coke County Underground Water Conservation District.
SECTION 3. DISTRICT BOUNDARY. The district includes all of
the area in Coke County, Texas, and the boundaries of the district
are coterminous with the boundaries of that county.
SECTION 4. PURPOSE OF DISTRICT. The district is created to
provide for the conservation, preservation, protection, recharging,
and prevention of waste of the underground water reservoirs located
under district land consistent with the objectives of Article XVI,
Section 59, of the Texas Constitution and Chapters 51 and 52, Water
Code.
SECTION 5. POWERS AND DUTIES OF DISTRICT. (a) The district
has the powers, rights, privileges, responsibilities, and functions
provided by Chapters 51 and 52, Water Code, and the authority
provided by this section.
(b) The board of directors may adopt and enforce rules to
provide for conserving, preserving, protecting, recharging, and
preventing waste of the water from the underground water
reservoirs. Those rules may be enforced by injunctive, mandatory
injunction, or other appropriate remedies in a court of competent
jurisdiction.
(c) The board of directors may require permits for the
drilling, equipping, and completion of wells in the underground
water reservoir and issue permits subject to terms and provisions
relating to drilling, equipping, and completion of wells that are
necessary to prevent waste or conserve, preserve, and protect
underground water.
(d) The board of directors may provide for the spacing of
wells producing from the underground water reservoirs and regulate
the production from those wells to minimize as far as practicable
the drawdown of the water table or the reduction of the artesian
pressure. The owner of the land, his heirs, assigns, and lessees
may not be denied a permit to drill a well on the land and the
right to produce underground water from that well subject to rules
adopted under this Act.
(e) The board of directors may require records to be kept
and reports to be made of the drilling, equipping, and completion
of wells into any underground water reservoir and the taking and
use of underground water from those reservoirs and may require
accurate driller's logs to be kept of those wells and a copy of
those logs and of any electric logs that may be made of the wells
to be filed with the district.
(f) The district may acquire land for the erection of dams
and for the purpose of draining lakes, depressions, and draws and
may construct dams, drain lakes, depressions, draws, and creeks and
install pumps and other equipment necessary to recharge an
underground water reservoir.
(g) The district may have registered professional engineers
make surveys of the underground water of any underground water
reservoir and of the facilities for the development, production, and use of that underground water and determine the quantity of the underground water available for production and use and the improvements, developments, and recharges needed for those underground water reservoirs.

(h) The district may develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir and for the control and prevention of waste of that underground water. The plans shall specify in the amount of detail that may be practicable any act, procedure, performance, and avoidance necessary to effect those plans.

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

(j) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir.

(k) The board of directors may publish plans and information, bring them to the notice and attention of the users of the underground water within the district, and encourage their adoption and execution.

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

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

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

(1) Arch Mathers;
(2) Otis Smith;
(3) Horace Scott;
(4) Billy Tounget; and
(5) Royce Lee, at large and chairman.

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

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

(b) Not sooner than the 120th day and not later than the 180th day after the effective date of this Act and without the necessity of having a petition presented, the initial board of directors shall call an election to be held in the district for the purpose of confirming the organization of the district. The election may not be held sooner than the 30th day nor later than the 120th day after the date on which the election is ordered.

(c) The propositions to be voted on shall include the question of whether or not the establishment of the district is confirmed, the question of levying, assessing, and collecting an ad valorem tax throughout the district, and any other propositions required by this Act or by the initial board of directors.

(d) The ballot also shall provide for election of the board of directors.

(e) Only qualified electors who reside in the district are qualified to vote in the election.

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

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

(h) Hearings may not be held to determine whether or not any land included within the boundaries of the district should be excluded.

SECTION 9. TAX AND BOND PROVISIONS. The tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

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

SECTION 11. ANNEXATION. Additional territory may be added to the district under Subchapter O, Chapter 51, Water Code. The directors shall determine to which precinct the annexed land shall be added for purposes of election of directors.

SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be governed by a board of directors that consists of five directors. (b) To be qualified for election as a director, a person must be a resident of the district and be at least 21 years of age. (c) One director shall be elected from each county commissioners precinct in Coke County and one director shall be elected at large. (d) To be qualified for election as a director from a precinct, a person must reside in the precinct from which he is elected. (e) The three directors receiving the highest number of votes at the confirmation election shall serve as directors until the three persons elected at the second regular election of directors have qualified, and the other two directors shall serve until the two persons elected at the first regular election of directors have qualified. After the second election of directors, an election shall be held each year on the first Saturday in April with two directors elected one year and three the next year in continuing sequence.

SECTION 13. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this Act controls. If there is a conflict between Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls. If there is a conflict between this Act and any other laws, this Act controls.

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

* * * * *

Austin, Texas
May 15, 1985

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B. No. 2418, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Santiesteban, Chairman
COMMITTEE HISTORY

COMMITTEE: Natural Resources
DATE: 5/16/85

HB 2418 was reported back to the Senate as follows:

☑ Without amendments
☐ With amendments
☐ With Committee Substitute

Fiscal Implications: ☑ Yes
☐ No

Actuarial Implications: ☑ Yes
☐ No

<table>
<thead>
<tr>
<th>SEN. SANTIESTEBAN</th>
<th>AYE</th>
<th>NAY</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEN. WILLIAMS</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. BROWN</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. KOTHMANN</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. KRIER</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. LYON</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. MONTFORD</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. SARPALIUS</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. SIMS</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. TRUAN</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEN. URIBE</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL 9 0

The following witnesses testified on the bill:

FOR

AGAINST

RESOURCE WITNESS
BACKGROUND: Coke County, located north of San Angelo, receives an average rainfall of about 17 to 18 inches per year. Both San Angelo and Coke County receive their water supplies from one of the state's minor aquifers, but, due to the agricultural needs and low rainfall of the region, water shortages have become a major concern for the area's citizens. Contamination of the ground water has also become a problem in the county recently. The citizens of Coke County desire to create a water district in order to formulate both a water conservation and a water quality protection program to safeguard the region's existing water supplies.

HB 2418 would create the Coke County Underground Water Conservation District, which will hold all the powers and duties described in Chapters 51 and 52 of the Texas Water Code.

PURPOSE: To provide for the conservation and protection of Coke County water supplies through the formation of an underground water conservation district.

SECTION-BY-SECTION ANALYSIS:

SECTION 1. CREATION OF THE DISTRICT

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

SECTION 2. DEFINITION

Defines "district" as the Coke County Underground Water Conservation District.

SECTION 3. DISTRICT BOUNDARY

Sets the boundaries of the district.

SECTION 4. PURPOSE OF DISTRICT

States that the district is created for conservation and prevention of waste of underground water reservoirs located under district land.

SECTION 5. POWERS AND DUTIES OF DISTRICT

(a) Gives the district the powers provided by Chapter 51 and 52 of the Water Code, as well as the authority provided by this section.

(b) Permits the board to enforce rules provided for conservation and prevention of waste of underground water reservoirs located under district land.

(c) Permits the board of directors to issue and require permits for drilling, equipping and completion of wells in the underground water reservoir.

(d) Permits the board to provide for the spacing of the wells in order to minimize the drawdown of the water table.

(e) Permits the board to require records to be kept and reports to be made of the drilling, equipping and completion of wells in any underground water reservoir.

(f) Provides for the district to acquire land for dams for the purpose of draining lakes, and provides for the construction of dams and other equipment necessary to recharge the underground water reservoir.

(g) Permits the district to hire registered professional engineers to make surveys of underground reservoirs.

(h) Permits the district to develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir.

(i) Permits the district to carry out research projects and determine limitations on the withdrawal of underground water.

(j) Permits the district to collect and preserve information regarding the use of the underground water.

(k) Permits the board to publish plans and information and permits the
board to encourage the adoption and execution of such plans.

(1) Permits the district to contract and distribute water from a water import authority or other agency.

SECTION 6. ADMINISTRATIVE PROCEDURES

Provides that the administrative and procedural provisions of Chapters 51 and 52, Water Code, apply to the district, except as otherwise provided by this act.

SECTION 7. INITIAL DIRECTORS

(a) Names the members of the initial board of directors.
(b) States that initial directors serve until successors have been elected and qualified.

SECTION 8. CONFIRMATION OF DISTRICT

(a) States that the Legislature finds that the formation of the district will benefit the public.
(b) After the 120th day of the effective date of this act, the initial board of directors can call an election to confirm the district.
(c) States what propositions to be voted on.
(d) Requires that the ballot provide for the election of the board of directors.
(e) States that only qualified voters who reside in the district are qualified to vote.
(f) Requires that the election be published twice in a newspaper of general circulation in the district.
(g) Requires the returns of the election to be given to the initial board of directors so that they can declare the results of the election.
(h) Prohibits hearings to be held to determine whether or not land included within the boundaries of the district should be excluded.

SECTION 9. TAX AND BOND PROVISIONS

States that tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 10. DISSOLUTION OF DISTRICT

States that Chapter 52, Water Code, applies to dissolution of the district.

SECTION 11. ANNEXATION

Permits territory to be added under Subchapter O, Chapter 51, Water Code.

SECTION 12. DIRECTOR ELECTIONS

(a) Provides for the district to be governed by five directors.
(b) Requires a person to be 21 years of age to qualify as a director in an election.
(c) Requires one director to be elected from each county commissioner's precinct in Coke County, and requires one director to be elected at large.
(d) In order to qualify as a director in an election, a person must reside in the precinct in which he is elected.
(e) Requires the three directors receiving the highest number of votes to serve until the three persons elected at the second regular election have qualified. This section also requires the other two directors to serve until the two persons elected at the first regular election of directors have qualified.

SECTION 13. STATUTORY INTERPRETATION

States that if there is a conflict between this act and Chapter 51 or 52, Water Code, or any other law, this act controls. If there is a conflict between Chapter 51 and Chapter 52, Chapter 52 controls.

RULE-MAKING AUTHORITY: Coke County Underground Water District is given all the powers and duties of an Underground Water Conservation District under Chapters 51 and 52, Water Code.
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. 2418 - Proposed creation of Coke 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  

The companion bill (S.B. 1339) to H.B. 2418 was received by the Department from the Governor of Texas on April 23, 1985. This bill creates a groundwater district over all of Coke County pursuant to Article XVI, Section 59, Texas Constitution, to be named Coke 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. The tax and bond provisions of Chapter 51 and 52, Water Code will apply to the District.  

The subject matter of this bill is essentially a matter of local interest and since benefits to the landowners and residents in the district may result from its passage, the Department would not oppose the enactment of H.B. 2418.  

Sincerely yours,  

Seth C. Burnitt  
Deputy Director
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 2418, by Burnett (Sims), was heard by the Committee on Nat. Resource 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.

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

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

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

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

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

SECTION 3. DISTRICT BOUNDARY. The district includes all of the area in Coke County, Texas, and the boundaries of the district are coterminous with the boundaries of that county.

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

(b) The board of directors may adopt and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs. Those rules may be enforced by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.

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

(d) The board of directors may provide for the spacing of wells producing from the underground water reservoirs and regulate the production from those wells to minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure. The owner of the land, his heirs, assigns, and lessees may not be denied a permit to drill a well on the land and the right to produce underground water from that well subject to rules adopted under this Act.

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

(f) The district may acquire land for the erection of dams
and for the purpose of draining lakes, depressions, and draws and
may construct dams, drain lakes, depressions, draws, and creeks and
install pumps and other equipment necessary to recharge an
underground water reservoir.

(g) The district may have registered professional engineers
make surveys of the underground water of any underground water
reservoir and of the facilities for the development, production,
and use of that underground water and determine the quantity of the
underground water available for production and use and the
improvements, developments, and recharges needed for those
underground water reservoirs.

(h) The district may develop comprehensive plans for the
most efficient use of the underground water of any underground
water reservoir and for the control and prevention of waste of that
underground water. The plans shall specify in the amount of detail
that may be practicable any act, procedure, performance, and
avoidance necessary to effect those plans.

(i) The district may carry out research projects, develop
information, and determine limitations, if any, that should be made
on the withdrawal of underground water from any underground water
reservoir.
H.B. No. 2418

(j) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir.

(k) The board of directors may publish plans and information, bring them to the notice and attention of the users of the underground water within the district, and encourage their adoption and execution.

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

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

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

(1) Arch Mathers;
(2) Otis Smith;
(3) Horace Scott;
(4) Billy Toungent; and
(5) Royce Lee, at large and chairman.

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

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

(b) Not sooner than the 120th day and not later than the 180th day after the effective date of this Act and without the
necessity of having a petition presented, the initial board of
directors shall call an election to be held in the district for the
purpose of confirming the organization of the district. The
election may not be held sooner than the 30th day nor later than
the 120th day after the date on which the election is ordered.

(c) The propositions to be voted on shall include the
question of whether or not the establishment of the district is
confirmed, the question of levying, assessing, and collecting an ad
valorem tax throughout the district, and any other propositions
required by this Act or by the initial board of directors.

(d) The ballot also shall provide for election of the board
of directors.

(e) Only qualified electors who reside in the district are
qualified to vote in the election.

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

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

(h) Hearings may not be held to determine whether or not any
land included within the boundaries of the district should be
excluded.

SECTION 9. TAX AND BOND PROVISIONS. The tax and bond
provisions of Chapters 51 and 52, Water Code, apply to the
district.
SECTION 10. DISSOLUTION OF DISTRICT. Chapter 52, Water Code, applies to dissolution of the district.

SECTION 11. ANNEXATION. Additional territory may be added to the district under Subchapter O, Chapter 51, Water Code. The directors shall determine to which precinct the annexed land shall be added for purposes of election of directors.

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

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 21 years of age.

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

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

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

SECTION 13. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this
Act controls. If there is a conflict between Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls. If there is a conflict between this Act and any other laws, this Act controls.

SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
H.B. No. 2418

President of the Senate

I certify that H.B. No. 2418 was passed by the House on May 2, 1985, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2418 was transmitted to the Governor on April 4, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 22, 1985.

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 2418 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

I certify that H.B. No. 2A13/8 was passed by the House

on 

1985, by a non-record vote;

(1) 

(2) 

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 2A13/8 was passed by the Senate

on 

1985, by the following

vote: Yeas 30, Nays 0

(3) 

(4) 

(5)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT27;
President of the Senate

Speaker of the House

I certify that H.B. No. __________ was passed by the House on ____________, 1985, by a non-record vote;

and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. __________ was transmitted to the Governor on ____________, 1985,

and the recommendation of the Texas Water Commission was filed with the Speaker of the House on ____________, 1985.

Chief Clerk of the House

I certify that H.B. No. __________ was passed by the Senate on ____________, 1985, by a viva-voce vote.

Secretary of the Senate

APPROVED: ____________

Date

Governor

**** Preparation: 'A;CT46;
A BILL TO BE ENTITLED
AN ACT
relating to the creation, administration, powers, duties, operation, and financing of the Coke County Underground Water Conservation District.

1. Filed with the Chief Clerk.

2. Read first time and Referred to Committee on Natural Resources.

3. Reported favorably (as amended) and sent to Printer at 3:20 P.M. APR 25 1985

4. Printed and distributed at 10:51 P.M.

5. Sent to Committee on Calendars at 7:32 P.M.

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

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of yea, nay, 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 yea, nay, and present, not voting).

12. Ordered Engrossed at 11:14 A.M.

13. Engrossed.

14. Returned to Chief Clerk at 7:08 P.M.

15. Sent to Senate.

16. Received from the House

17. Read, referred to Committee on Natural Resources.

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.)

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

MAY 17 1985

23. Read second time _______ passed to third reading by:

[Signature]

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, _______ nays to place bill on third reading and final passage.

MAY 17 1985

26. Read third time and passed by

[Signature]

yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

MAY 17 1985

27. Returned to the House.

MAY 17 1985

28. Received from the Senate (with amendments) _______ (as amended).

MAY 17 1985

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

MAY 17 1985

30. Conference Committee Ordered.

MAY 17 1985

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.