A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District.

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

SECTION 1. CREATION OF DISTRICT. On approval at the election required by Section 6 of this Act, the Irion County Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

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

SECTION 4. BOUNDARIES. The district is composed of all the territory located within Irion County.

SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the following persons are designated as temporary
directors of the district:

(1) Precinct 1--Loye Tankersley
(2) Precinct 2--Jim Westfall
(3) Precinct 3--Tim Bennie
(4) Precinct 4--Buck Whitley
(5) At Large--Jane D. Murray.

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the same qualifications to fill the vacancy.

(c) The temporary directors shall select from their members persons to serve as chairman, vice-chairman, and secretary.

SECTION 6. CREATION ELECTION. (a) Not later than the 30th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 65th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.

(b) In the order calling the election, the temporary directors shall designate election precincts and polling places for the election.

(c) The temporary directors shall publish notice of the election at least one time in a newspaper or newspapers that have general circulation within the boundaries of the proposed district. The notice must be published before the 30th day preceding the date of the election.

(d) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of the Irion County Water Conservation District."
(e) Immediately after the election, the presiding judge of each polling place shall deliver the returns of the election to the temporary directors, and the temporary directors shall canvass the returns and declare the result.

(f) If a majority of the votes cast at the election favor the creation of the district, the temporary directors shall declare the district created and shall enter the results in their minutes. If a majority of the votes cast at the election are against the creation of the district, the temporary directors shall declare the district defeated and shall enter the results in their minutes. The temporary directors shall file a copy of the election results with the Texas Department of Water Resources.

(g) If the creation of the district is defeated, further elections may be called by the temporary directors to create the district, but another election to confirm creation of the district may not be called and held before the first anniversary of the most recent creation election. If the district is not created within five years after the effective date of this Act, this Act expires.

SECTION 7. INITIAL DIRECTORS. (a) On approval of the creation of the district under Section 6 of this Act, the temporary directors become the permanent directors of the district and shall serve on the board of directors for terms as provided by Subsection (b) of this section.

(b) The persons serving as directors for Precincts 1 and 3 shall serve as directors until the first regular meeting of the board of directors in April following the first regular directors' election. The persons serving as directors for Precincts 2 and 4
and the director serving at large shall serve until the first regular meeting of the board of directors in April following the second regular directors' election.

SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. The board of directors of the district is composed of five members.

SECTION 9. QUALIFICATIONS OF BOARD MEMBERS. (a) To be qualified for election as a director, a person must be a resident of the district and must be at least 18 years of age.

(b) In addition to the requirements of Subsection (a) of this section, a person who is a director from a precinct must be a resident of that precinct.

SECTION 10. ELECTION OF DIRECTORS. Beginning in the year following the creation election, an election shall be held on the first Saturday in April of each year to elect the appropriate number of directors to the board.

SECTION 11. TERM OF OFFICE. Except for the initial directors of the district, directors shall serve for terms of two years.

SECTION 12. BEGINNING OF DIRECTOR'S TERM. A director takes office at the first regular meeting of the board in April following election to the board.

SECTION 13. VACANCY ON BOARD. A vacancy on the board is filled by appointment of the remaining members of the board for the unexpired term.

SECTION 14. OATH. Each director shall take the constitutional oath of office required of state officers.

SECTION 15. COMPENSATION. Each director is entitled to
receive for his services not more than $25 a day for each day
actually engaged in duties for the district.

SECTION 16. ORGANIZATION OF BOARD. (a) After each
directors' election, the board shall hold a regular meeting at the
district office and shall organize by electing from the members of
the board one person to serve as chairman, one person to serve as
vice-chairman, and one person to serve as secretary.

(b) A person selected to serve as chairman, vice-chairman,
or secretary serves in that capacity for a term of two years.

(c) The chairman shall preside over meetings of the board,
and in his absence, the vice-chairman shall preside.

(d) The chairman, vice-chairman, and secretary shall perform
the duties and may exercise the powers specifically given them by
this Act or by orders of the board.

SECTION 17. QUORUM. A majority of the members of the board
constitute a quorum for the transaction of business of the
district, but no official action of the board is valid without the
affirmative vote of a majority of the members of the board.

SECTION 18. OTHER OFFICERS. (a) The board shall appoint
persons to serve as treasurer and attorney for the district.

(b) The persons appointed under this section are entitled to
the compensation provided by the district's budget.

(c) The person appointed as treasurer shall execute a bond
in the amount determined by the board, payable to the district,
conditioned on the faithful performance of the treasurer's duties.
The district shall pay for the bond.

SECTION 19. GENERAL MANAGER. (a) The board may employ a
general manager to be the chief administrative officer of the district and may delegate to him full authority to manage and operate the affairs of the district subject only to orders of the board.

(b) The general manager shall execute a bond in the amount determined by the board, payable to the district, and conditioned on the faithful performance of the general manager's duties. The district shall pay for the bond.

(c) The general manager is entitled to receive the compensation provided by the district's budget.

SECTION 20. ENGINEER. The board may appoint or contract with a competent professional engineer for the district and may determine the amount of compensation to be paid to the engineer.

SECTION 21. PERSONNEL. (a) The general manager or the board may employ other persons necessary for the proper handling of the business and operation of the district and may employ or contract with expert and specialized personnel who are necessary to carry out this Act.

(b) The board shall determine the terms of employment and the compensation to be paid to employees under this section.

(c) The general manager or a majority of the members of the board may dismiss an employee of the district.

(d) The board shall require each employee or person under contract to the district who collects, pays, or handles any funds of the district to furnish a bond, payable to the district, for an amount sufficient to protect the district from financial loss resulting from actions of the employee or other person. Each bond
shall be conditioned on the faithful performance of the employee's or person's duties and on accounting for all money and property of the district in his hands. The district shall pay for each bond.

SECTION 22. OFFICE. The board shall maintain an office within the boundaries of the district for conducting the business of the district.

SECTION 23. MEETINGS OF BOARD. The board shall hold regular meetings at the district's office at least once each month on a date established by rule of the board.

SECTION 24. MINUTES AND RECORDS. (a) The board shall keep a complete written account of all its meetings and other proceedings and shall preserve its minutes, contracts, records, plans, notices, accounts, receipts, and records of all kinds in a secure manner at the district's office.

(b) Minutes, contracts, records, plans, notices, accounts, receipts, and other records are the property of the district and are subject to public inspection.

SECTION 25. CONTRACTS. The board may enter into contracts as provided by Chapter 51, Water Code, and those contracts shall be executed by the board in the name of the district.

SECTION 26. SUPERVISION OF DISTRICT. The district is subject to the continuing right of supervision by the state, to be exercised by the Texas Department of Water Resources under this Act and the Water Code.

SECTION 27. SUITS; PAYMENT OF JUDGMENTS. (a) The district may, through its board, sue and be sued in any court of this state in the name of the district. Service of process in a suit may be
had by serving the general manager.

(b) The courts of this state shall take judicial notice of
the creation of the district.

(c) A court of this state that renders a money judgment
against the district may require the board to pay the judgment from
money in the district depository that is not dedicated to the
payment of any indebtedness of the district.

SECTION 28. SEAL. The board shall adopt a seal for the
district.

SECTION 29. PURPOSE OF DISTRICT. The district is created to
provide for the conservation, preservation, protection, recharge,
and prevention of waste and pollution of the underground and
surface water of the district consistent with the objectives of
Article XVI, Section 59, of the Texas Constitution, and Chapters 51
and 52, Water Code.

SECTION 30. RULES. (a) The board may adopt rules that are
necessary to carry out the purpose and powers under this Act and
may enforce those rules by injunction, mandatory injunction, or
other appropriate remedies in a court of competent jurisdiction.

(b) In addition to the rules adopted under Subsection (a) of
this section, the board may adopt and enforce rules as provided by

SECTION 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.
(a) Except to the extent of any conflict with this Act or as
specifically limited by this Act, the district may exercise the
powers granted and shall exercise the duties under Subchapters D,
O, and P, Chapter 51, Water Code, and Subchapter D, Chapter 52,
Water Code, to carry out the purpose of the district and this Act.

SECTION 32. LIMITATION ON PERMIT AUTHORITY. If the district regulates production of underground water by permit as authorized by Chapter 52, Water Code, the board may not deny a permit to drill a well to the owner of land, his heirs, assigns, and lessees on his land and the right to produce water from that well under rules adopted by the district.

SECTION 33. STUDIES AND SURVEYS. The board shall have professional engineers make studies and surveys of the underground and surface water supplies within the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of those water resources. The professional engineers also shall determine the quantities of both underground and surface water in the district.

SECTION 34. PLANS AND SPECIFICATIONS. The district shall develop and implement comprehensive plans for the conservation, preservation, protection, recharge, and prevention of waste and pollution of underground and surface water within the district. The plans shall include all works, facilities, and improvements necessary to implement the plans and the specifications for those works, facilities, and improvements.

SECTION 35. RESEARCH; INFORMATION. The district shall engage in research projects and shall develop information to be used by the district in preparing and implementing its plans and in carrying out its powers and duties under this Act.

SECTION 36. CONTROL, STORAGE, AND PRESERVATION OF WATER FOR CERTAIN PURPOSES. The district may control, store, and preserve
the storm and flood water in the district and the water of the
rivers and streams in the district for irrigation of arid land,
prevention of floods and flood damage in the district, and
domestic, agricultural, and industrial uses.

SECTION 37. RECLAMATION. The district may reclaim land
within the district and may construct necessary works, facilities,
and improvements to accomplish this purpose.

SECTION 38. SOIL CONSERVATION AND IMPROVEMENT; TERRACING.
The district may construct and maintain terraces and other
structures on land in the district and may engage in and promote
land treatment measures for soil conservation and improvement.

SECTION 39. ACQUISITION AND CONSTRUCTION OF WORKS,
FACILITIES, AND IMPROVEMENTS. (a) The district may construct or
acquire and improve and maintain works, facilities, and
improvements necessary to carry out the purpose, powers, and plans
of the district.

(b) The district shall construct and acquire works,
facilities, and improvements in the manner provided by Chapter 51,
Water Code, for water control and improvement districts.

SECTION 40. INPUT WELLS. The district may drill, equip,
operate, and maintain input wells, pumps, and other facilities to
carry out its purpose and powers under this Act.

SECTION 41. ACQUISITION OF PROPERTY. The district may
acquire by gift, grant, devise, lease, purchase, or condemnation
any land or other property necessary to carry out this Act.

SECTION 42. EMINENT DOMAIN. (a) The district may exercise
the power of eminent domain to acquire by condemnation a fee simple
or other interest in property located inside the district if the property interest is necessary to the exercise of the authority conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by a district, the district is not required to pay in advance or give bond or other security for costs in the trial court, to give bond for the issuance of a temporary restraining order or a temporary injunction, or to give bond for costs or supersedeas on an appeal or writ of error.

(d) In exercising the power of eminent domain, if the district requires relocating, raising, lowering, rerouting, changing the grade, or altering the construction of any railroad, highway, pipeline, or electric transmission, telegraph, or telephone lines, conduits, poles, or facilities, the district must bear the actual cost of relocating, raising, lowering, rerouting, changing the grade, or altering the construction to provide comparable replacement without enhancement of facilities after deducting the net salvage value derived for the old facility.

SECTION 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act and Chapters 51 and 52, Water Code, the district may sell or otherwise dispose of land and other property of the district that is not necessary to carry out the purpose or powers of the district as determined by the board of directors.
SECTION 44. PROHIBITED ACTIONS. (a) The district may not enter into any contract or engage in any action to supply underground or surface water inside or outside the district.

(b) The district may not issue bonds or levy a property tax to secure the payment of bonds.

SECTION 45. PROTECTION OF WATER RIGHTS. The ownership and rights of the owner of land, his lessees, and assigns in underground and any surface water rights are recognized and this Act does not deprive or divest the owner, his lessees, and assigns of those ownership rights.

SECTION 46. FISCAL YEAR. (a) The district shall be operated on the basis of a fiscal year established by the board.

(b) The fiscal year may not be changed more than once in a 24-month period.

SECTION 47. ANNUAL AUDIT. Annually, the board shall have an audit made of the financial condition of the district.

SECTION 48. RECORDS. The annual audit and other district records must be open to inspection during regular business hours at the principal office of the district.

SECTION 49. ANNUAL BUDGET. (a) The board shall prepare and approve an annual budget.

(b) The budget shall contain a complete financial statement, including a statement of:

(1) the outstanding obligations of the district;

(2) the amount of cash on hand to the credit of the district;

(3) the amount of money received by the district from all
sources during the previous year;

(4) the amount of money available to the district from all
sources during the ensuing year;

(5) the amount of the balances expected at the end of the
year in which the budget is being prepared;

(6) the estimated amount of revenues and balances available
to cover the proposed budget; and

(7) the estimated maintenance and operating tax rate that
will be required.

SECTION 50. NOTICE; HEARING; ADOPTION OF BUDGET. (a) The
board shall hold a public hearing on the annual budget.

(b) At least 10 days before the date set for the hearing,
otice of the hearing must be published in a newspaper or
newspapers that have general circulation within the boundaries of
the district.

(c) Any person residing within the boundaries of the
district is entitled to be present at and participate in the
hearing.

(d) At the conclusion of the hearing, the board shall act on
the budget and may make changes in the proposed budget that in its
judgment the interests of the taxpayers demand.

SECTION 51. AMENDING BUDGET. After the annual budget is
adopted, it may be amended on the board's approval.

SECTION 52. LIMITATION ON EXPENDITURES. Money may not be
spent for an expense not included in the annual budget or an
amendment to it.

SECTION 53. SWORN STATEMENT. As soon as practicable after
the close of the fiscal year, the general manager shall prepare for
the board a sworn statement of the amount of money that belongs to
the district and an account of the disbursements of that money.

SECTION 54. DEPOSITORY. (a) The board shall name one or
more banks to serve as depository for district funds.

(b) District funds shall be deposited as received with the
depository bank and shall remain on deposit. This subsection does
not limit the power of the board to place a portion of the
district's funds on time deposit or to purchase certificates of
deposit.

(c) Before the district deposits funds in a bank in an
amount that exceeds the maximum amount secured by the Federal
Deposit Insurance Corporation, the bank must execute a bond or
provide other security in an amount sufficient to secure from loss
the district's funds that exceed the amount secured by the Federal
Deposit Insurance Corporation.

SECTION 55. INVESTMENTS. (a) Funds of the district may be
invested and reinvested by the board or its authorized
representative in direct or indirect obligations of the United
States, the state, or any county, city, school district, or other
political subdivision of the state.

(b) Funds of the district may be placed in certificates of
deposit of state or national banks, or state or federal savings and
loan associations, within the state provided that the funds are
secured in the manner required for the security of the funds of
counties of the state.

(c) The board, by resolution, may provide that an authorized
representative of the district may invest and reinvest the funds of
the authority and provide for money to be withdrawn from the
appropriate accounts of the district for investments on such terms
as the board considers advisable.

SECTION 56. REPAYMENT OF ORGANIZATIONAL EXPENSES. (a) The
district's directors may pay all costs and expenses necessarily
incurred in the creation and organization of the district, legal
fees, and other incidental expenses and may reimburse any person
for money advanced for these purposes.

(b) Payments may be made from money obtained from
maintenance taxes or other revenues of the district.

SECTION 57. BORROWING MONEY. The district may borrow money
for any purpose authorized under this Act or any combination of
those purposes.

SECTION 58. MAINTENANCE AND OPERATING TAX. (a) The
district may annually levy and collect a tax on property within the
boundaries of the district for use in maintaining facilities of the
district and for paying operating expenses of the district.

(b) A maintenance tax may not be levied by the district
until it is approved by a majority vote of the individuals
qualified to vote in the area within the boundaries of the district
voting at an election called and held for that purpose.

(c) A maintenance and operating tax election may be held at
the same time and in conjunction with the election to create the
district. The procedure for calling and holding an election and
for canvassing returns of an election under this section is the
same as for the creation election under Section 6 of this Act.
SECTION 59. BOARD AUTHORITY. (a) The board may levy taxes for the entire year in which the district is created.

(b) The board shall levy taxes on all property within the boundaries of the district subject to district taxation.

SECTION 60. TAX RATE. In setting the tax rate, the board shall take into consideration the income of the district from sources other than taxation. On determination of the amount of tax required to be levied, the board shall make the levy and certify it to the tax assessor-collector.

SECTION 61. TAX APPRAISAL, ASSESSMENT, AND COLLECTION. (a) The Tax Code governs the appraisal, assessment, and collection of district taxes.

(b) The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code.

SECTION 62. 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.
relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District.

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SECTION 1. CREATION OF DISTRICT. On approval at the election required by Section 6 of this Act, the Irion County Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:
1. (1) the organization of the district is feasible and practicable;
2. (2) the land to be included in and the residents of the district will be benefited by the creation of the district;
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2. (2) Precinct 2--Jim Westfall
3. (3) Precinct 3--Tim Bennie
4. (4) Precinct 4--Buck Whitley
5. (5) At Large--Jane D. Murray.
(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the same qualifications as provided by Section 9 of this Act to fill the vacancy.
(c) The temporary directors shall select from their members persons to serve as chairman, vice-chairman, and secretary.

SECTION 6. CREATION ELECTION. (a) Not later than the 30th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 120th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.
(b) In the order calling the election, the temporary directors shall designate election precincts and polling places for the election.
(c) The temporary directors shall publish notice of the election at least one time in a newspaper or newspapers that have general circulation within the boundaries of the proposed district. The notice must be published before the 30th day preceding the date of the election.
(d) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of the Irion County Water Conservation District."
(e) Immediately after the election, the presiding judge of each polling place shall deliver the returns of the election to the temporary directors, and the temporary directors shall canvass the returns and declare the result.
(f) If a majority of the votes cast at the election favor the creation of the district, the temporary directors shall declare the district created and shall enter the results in their minutes. If a majority of the votes cast at the election are against the
creation of the district, the temporary directors shall declare the
district defeated and shall enter the results in their minutes.
The temporary directors shall file a copy of the election results
with the Texas Department of Water Resources.

(g) If the creation of the district is defeated, further
elections may be called by the temporary directors to create the
district, but another election to confirm creation of the district
may not be called and held before the first anniversary of the most
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creation of the district under Section 5 of this Act, the temporary
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serve on the board of directors for terms as provided by Subsection
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(b) The persons serving as directors for Precincts 1 and 3
shall serve as directors until the first regular meeting of the
board of directors in April following the first regular directors' election. The persons serving as directors for Precincts 2 and 4
and the director serving at large shall serve until the first
regular meeting of the board of directors in April following the
second regular directors' election.

SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. (a) The
board of directors of the district is composed of five members.
(b) One director shall be elected from the district at large
and one director shall be elected from each county commissioners
precinct.

SECTION 9. QUALIFICATIONS OF BOARD MEMBERS. (a) To be
qualified for election as a director, a person must be a resident
of the district and must be at least 18 years of age.

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district.

SECTION 29. PURPOSE OF DISTRICT. The district is created to
provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the underground and surface water of the district consistent with the objectives of Article XVI, Section 59, of the Texas Constitution, and Chapters 51 and 52, Water Code.

SECTION 30. RULES. (a) The board may adopt rules that are necessary to carry out the purpose and powers under this Act and may enforce those rules by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.
(b) In addition to the rules adopted under Subsection (a) of this section, the board may adopt and enforce rules as provided by Sections 51.127 through 51.132, Water Code, as amended.

SECTION 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE. Except to the extent of any conflict with this Act or as specifically limited by this Act, the district may exercise the powers granted and shall exercise the duties under Subchapters D, O, and P, Chapter 51, Water Code, and Subchapter D, Chapter 52, Water Code, to carry out the purpose of the district and this Act.

SECTION 32. LIMITATION ON PERMIT AUTHORITY. If the district regulates production of underground water by permit as authorized by Chapter 52, Water Code, the board may not deny a permit to drill a well to the owner of land, his heirs, assigns, and lessees on his land and the right to produce water from that well under rules adopted by the district.

SECTION 33. STUDIES AND SURVEYS. The board shall have professional engineers make studies and surveys of the underground and surface water supplies within the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of those water resources. The professional engineers shall determine the quantities of both underground and surface water in the district.

SECTION 34. PLANS AND SPECIFICATIONS. The district shall develop and implement comprehensive plans for the conservation, preservation, protection, recharge, and prevention of waste and pollution of underground and surface water within the district. The plans shall include all works, facilities, and improvements necessary to implement the plans and the specifications for those works, facilities, and improvements.

SECTION 35. RESEARCH; INFORMATION. The district shall engage in research projects and shall develop information to be used by the district in preparing and implementing its plans and in carrying out its powers and duties under this Act.

SECTION 36. CONTROL, STORAGE, AND PRESERVATION OF WATER FOR CERTAIN PURPOSES. Subject to obtaining the permits required by law, the district may control, store, and preserve the storm water and floodwater in the district and the water of the rivers and streams in the district for irrigation of arid land, prevention of floods and flood damage in the district, and domestic, agricultural, and industrial uses.

SECTION 37. RECLAMATION. The district may reclaim land within the district and may construct necessary works, facilities, and improvements to accomplish this purpose.

SECTION 38. SOIL CONSERVATION AND IMPROVEMENT; TERRACING. The district may construct and maintain terraces and other structures on land in the district and may engage in and promote land treatment measures for soil conservation and improvement.

SECTION 39. ACQUISITION AND CONSTRUCTION OF WORKS, FACILITIES, AND IMPROVEMENTS. (a) The district may construct or acquire and improve and maintain works, facilities, and improvements necessary to carry out the purpose, powers, and plans of the district.
(b) The district shall construct and acquire works, facilities, and improvements in the manner provided by Chapter 51, Water Code, for water control and improvement districts.

SECTION 40. INPUT WELLS. The board may drill, equip, operate, and maintain input wells, pumps, and other facilities to carry out its purpose and powers under this Act.

SECTION 41. ACQUISITION OF PROPERTY. The district may acquire by gift, grant, devise, lease, purchase, or condemnation any land or other property necessary to carry out this Act.

SECTION 42. EMINENT DOMAIN. (a) The district may exercise
the power of eminent domain to acquire by condemnation a fee simple
or other interest in property located inside the district if the
property interest is necessary to the exercise of the authority
conferred by this chapter.

(b) The district must exercise the power of eminent domain
in the manner provided by Chapter 21, Property Code, but the
district is not required to deposit in the trial court money or a
bond as provided by Subsection (a), Section 21.021, Property Code.

(c) In a condemnation proceeding brought by a district, the
district is not required to pay in advance or give bond or other
security for costs in the trial court, to give bond for the
issuance of a temporary restraining order or a temporary
injunction, or to give bond for costs or supersededas on an appeal
or writ of error.

(d) In exercising the power of eminent domain, if the
district requires relocating, raising, lowering, rerouting,
changing the grade, or altering the construction of any railroad,
highway, pipeline, or electric transmission and electric
distribution, telegraph, or telephone lines, conduits, poles, or
facilities, the district must bear the actual cost of relocating,
raising, lowering, rerouting, changing the grade, or altering the
construction to provide comparable replacement without enhancement
of facilities after deducting the net salvage value derived for the
old facility.

SECTION 43. SALE AND DISPOSAL OF PROPERTY. Subject to this
Act and Chapters 51 and 52, Water Code, the district may sell or
otherwise dispose of land and other property of the district that
is not necessary to carry out the purpose or powers of the district
as determined by the board.

SECTION 44. PROHIBITED ACTIONS. (a) The district may not
enter into any contract or engage in any action to supply
underground or surface water inside or outside the district.
(b) The district may not issue bonds or levy a property tax
to secure the payment of bonds.

SECTION 45. PROTECTION OF WATER RIGHTS. The ownership and
rights of the owner of land, his lessees, and assigns in
underground and any surface water rights are recognized and this
Act does not deprive or divest the owner, his lessees, and assigns
of those ownership rights.

SECTION 46. FISCAL YEAR. (a) The district shall be
operated on the basis of a fiscal year established by the board.
(b) The fiscal year may not be changed more than once in a
24-month period.

SECTION 47. ANNUAL AUDIT. Annually, the board shall have an
audit made of the financial condition of the district.

SECTION 48. RECORDS. The annual audit and other district
records must be open to inspection during regular business hours at
the principal office of the district.

SECTION 49. ANNUAL BUDGET. (a) The board shall prepare and
approve an annual budget.
(b) The budget shall contain a complete financial statement,
including a statement of:
(1) the outstanding obligations of the district;
(2) the amount of cash on hand to the credit of the
district;
(3) the amount of money received by the district from all
sources during the previous year;
(4) the amount of money available to the district from all
sources during the ensuing year;
(5) the amount of the balances expected at the end of the
year in which the budget is being prepared;
(6) the estimated amount of revenues and balances available
to cover the proposed budget; and
(7) the estimated maintenance and operating tax rate that
will be required.

SECTION 50. NOTICE; HEARING; ADOPTION OF BUDGET. (a) The
board shall hold a public hearing on the annual budget.
(b) At least 10 days before the date set for the hearing,
notice of the hearing must be published in a newspaper or
newspapers that have general circulation within the boundaries of
the district.
(c) Any person residing within the boundaries of the
district is entitled to be present at and participate in the
hearing.

(d) At the conclusion of the hearing, the board shall act on
the budget and may make changes in the proposed budget that in its
judgment the interests of the taxpayers demand.

SECTION 51. AMENDING BUDGET. After the annual budget is
adopted it may be amended on the board's approval.

SECTION 52. LIMITATION ON EXPENDITURES. Money may not be
spent for an expense not included in the annual budget or an
amendment to it.

SECTION 53. SWORN STATEMENT. As soon as practicable after
the close of the fiscal year, the general manager shall prepare for
the board a sworn statement of the amount of money that belongs to
the district and an account of the disbursements of that money.

SECTION 54. DEPOSITORY. (a) The board shall name one or
more banks to serve as depository for district funds.

(b) District funds shall be deposited as received with the
depository bank and shall remain on deposit. This subsection does
not limit the power of the board to place a portion of the
district's funds on time deposit or to purchase certificates of
deposit.

(c) Before the district deposits funds in a bank in an
amount that exceeds the maximum amount secured by the Federal
Deposit Insurance Corporation, the bank must execute a bond or
provide other security in an amount sufficient to secure from loss
the district's funds that exceed the amount secured by the Federal
Deposit Insurance Corporation.

SECTION 55. INVESTMENTS. (a) Funds of the district may be
invested and reinvested by the board or its authorized
representative in direct or indirect obligations of the United
States, the state, or any county, city, school district, or other
political subdivision of the state.

(b) Funds of the district may be placed in certificates of
deposit of state or national banks, or state or federal savings and
loan associations, within the state provided that the funds are
secured in the manner required for the security of the funds of
counties of the state.

(c) The board by resolution may provide that an authorized
representative of the district may invest and reinvest the funds of
the authority and provide for money to be withdrawn from the
appropriate accounts of the district for investments on such terms
as the board considers advisable.

SECTION 56. REPAYMENT OF ORGANIZATIONAL EXPENSES. (a) The
district's directors may pay all costs and expenses necessarily
incurred in the creation and organization of the district, legal
fees, and other incidental expenses and may reimburse any person
for money advanced for these purposes.

(b) Payments may be made from money obtained from
maintenance taxes or other revenues of the district.

SECTION 57. BORROWING MONEY. The district may borrow money
for any purpose authorized under this Act or any combination of
those purposes.

SECTION 58. MAINTENANCE AND OPERATING TAX. (a) The
district may annually levy and collect a tax on property within the
boundaries of the district for use in maintaining facilities of the
district and for paying operating expenses of the district.
(b) A maintenance and operating tax may not be levied by the
district until it is approved by a majority vote of the individuals
qualified to vote in the area within the boundaries of the district
voting at an election called and held for that purpose.

(c) A maintenance and operating tax election may be held at
the same time and in conjunction with the election to create the
district. The procedure for calling and holding an election and
for canvassing returns of an election under this section is the
same as for the creation election under Section 6 of this Act.

SECTION 59. BOARD AUTHORITY. (a) The board may levy taxes
for the entire year in which the district is created.

(b) The board shall levy taxes on all property within the
boundaries of the district subject to district taxation.
C.S.S.B. No. 206

SECTION 60. TAX RATE. In setting the tax rate, the board shall take into consideration the income of the district from sources other than taxation. On determination of the amount of tax required to be levied, the board shall make the levy and certify it to the tax assessor-collector.

SECTION 61. TAX APPRAISAL, ASSESSMENT, AND COLLECTION. (a) The Tax Code governs the appraisal, assessment, and collection of district taxes.

(b) The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code.

SECTION 62. 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
March 5, 1985

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 206, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Santiesteban, Chairman
BILL ANALYSIS

C.S.S.B. 206

By: Sims

BACKGROUND: Irion County is located just west of San Angelo in the western part of the Colorado River Basin. Because the county only receives about 16 inches of rainfall annually, it is heavily dependent on the waters of the Edwards-Trinity aquifer which it overlies. The lower part of the aquifer is 100 feet thick, and the upper part of the aquifer is about 500 feet thick. Water in the aquifer is fresh, and high capacity wells yield about 250 gallons per minute.

However, because oil and gas corporations have some interest in the primarily rural county, saltwater injection wells have been drilled through the aquifer which would threaten the underground water supply.

The people of Irion County are concerned about possible pollution from the saltwater injection wells. The major problems with the wells is that leaks could occur through the casing and during plugging of the wells. Cracks and fissures underground provide pathways for saltwater to escape to fresh water. The liability for the company that drills the wells has been eliminated, but the threat to the public remains.

Additionally, SB 206 functions through the creations of a surface and underground conservation district. Legislation currently under consideration by the legislature would greatly increase the power of the state to manage ground water resources. The citizens of Irion County feel that a locally controlled district would best represent the county's interest.

PURPOSE: SB 206 would create a conservation district to manage the surface and ground water resources in Irion County. Section-by Section Analysis

SECTION 1. Creates the Irion County Water Conservation District on approval at the election.

SECTION 2. Defines "district".

SECTION 3. Lists legislative findings:
(1) organization of district is feasible and practical
(2) the land and residents will benefit by the creation of the district
(3) public necessity exists for the district
(4) the district will further public welfare

SECTION 4. Delineates the boundaries of district.

TEMPORARY DIRECTORS

SECTION 5. (a) Designates the following as temporary directors:
(1) Precinct 1—Loye Tankersley
(2) Precinct 2—Jim Westfall
(3) Precinct 3—Tim Bennie
(4) Precinct 4—Buck Whitley
(5) At Large—Jane D. Murray
(b) Requires the temporary directors to fill a vacancy by selecting a person with the required qualifications.
(c) Charges the temporary directors to select from their members a chairman, vice-chairman and secretary.

SECTION 6 (a) Requires the temporary directors to meet 30 days after the effective date in order to call an election to be held not later than 65 days after the effective date. Requires the temporary directors to designate election precincts and polling places.
(c) Requires the temporary directors to publish at least one notice of election 30 days before the election.
(d) The election ballot must provide for voting for or against the proposition.
(e) Charges the presiding judge of each polling place to deliver the election results to the temporary directors for disclosure.
(f) Requires the temporary directors to declare a district created if votes are favorable and to declare a district defeated if majority of votes are against. Also they must file copy of election results with Texas Department of Water Resources.
(g) Allows temporary directors to hold further elections, but not an election to confirm the creation of a district. Sets the expiration date of Act at 5 years after effective date if no district is created.

SECTION 7. INITIAL DIRECTORS
(a) Designates the temporary directors as initial directors upon approval of district.
(b) Sets the term expiration dates for Precincts 1 and 3 on the first board meeting of April after first regular directors' election, and Precincts 2 and 4 and director-at-large on the first board meeting after the second regular directors' election.

SECTION 8
(a) Limits the composition of board to five members.
(b) Board must compose of one director at large and one director from each county commissioner's precinct.

SECTION 9
(a) Requires a director to be a resident of the district and at least 18 years of age.
(b) Requires precinct director to be a resident of county commissioners district.

SECTION 10. Elections must be held every year on the first Saturday in April.

SECTION 11. Sets the terms at two years.

SECTION 12. The terms of the directors begin on the first Board meeting in April following the election.

SECTION 13. Board members shall fill a vacancy by appointment.

SECTION 14. Requires that each director take the constitutional oath of office.

SECTION 15. Entitles the directors to $25 a day for service.

SECTION 16. (a) A chairman, vice-chairman, and secretary will be elected from among the directors.
(b) Sets 2 year terms for chairman, vice-chairman, and secretary.
(c) Charges the chairman to preside over meetings and vice-chairman to preside in chairman's absence.
(d) Requires the chairman, vice-chairman and secretary to perform the duties and powers under this Act.

SECTION 17. Constitutes the quorum for business transactions at a majority of members, but no official action is valid without affirmative vote of a majority of board members.

SECTION 18. (a) Requires the board to appoint a treasurer and attorney.
(b) Entitles persons appointed under this section to compensation.
(c) Charges the treasurer to execute a bond.

SECTION 19. (a) Permits the Board to employ a general manager.
(b) Charges the general manager to execute a bond according to Board's specifications.
(c) Entitles the general manager to receive compensation.

SECTION 20. Permits the board to appoint or contract an engineer.

SECTION 21. (a) Permits the general manager or the board to employ other persons or specialized personnel who are necessary to carry out the purpose of this Act.
(b) Requires the board to set the terms of employment and the amount of compensation.
(c) Permits the general manager or board to dismiss district employees.
(d) Requires employees handling district funds to furnish a bond for the protection from financial loss. The district shall pay for the bond.

SECTION 22. Requires the board to maintain an office within the district.
SECTION 23. Requires the Board to hold meetings at least once a month at the district office.

SECTION 24. (a) Requires the Board to keep an account of all meetings and records at the district office.
   (b) Subjects the minutes and records to public inspection.

SECTION 25. Permits the Board to enter contracts as provided by Chapter 51 of Water Code.

SECTION 26. Subjects the district to supervision by the Texas Department of Water Resources.

SECTION 27. (a) permits the district to sue or be sued in any court of this state.
   (b) Requires state courts to take judicial notice of the creation of the district.
   (c) Permits a state court to require the district to pay a money judgement from the district's depository.

SECTION 28. Requires the district to adopt a seal.

SECTION 29. Charges the district to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the underground and surface water of the district consistent with the objectives of Art. XVI, Sec. 59 of the Texas Constitution, and Chapters 51 and 52 of Water Code.

SECTION 30. (a) Permits the Board to adopt and enforce rules needed to carry out this Act.
   (b) Permits the Board to adopt and enforce rules as provided by Sections 51.127 - 15.132 of Water Code.

SECTION 31. Permits the district to exercise the powers and duties under Subchapters D, G, and F, Chapter 51 and Subchapter D, Chapter 52 of the Water Code.

SECTION 32. Limits the district's well permit authority by not allowing them to deny a permit to drill a well or right to produce water to the owner of land, his heirs, assigns and lesees.

SECTION 33. Requires the Board to employ a professional engineer to make studies and surveys of the underground and surface water supplies and to determine the amount of both underground and surface water in the district.

SECTION 34. Requires the district to develop and implement plans and specifications to carry out the purpose of this Act.

SECTION 35. Requires the district to engage in research and develop information to aid in the implementation of plans under this Act.

SECTION 36. Permits the district to conduct, store, and preserve water for purposes such as irrigation, flood control, and domestic, agricultural, and industrial uses.

SECTION 37. Permits the district to reclaim land within the district.

SECTION 38. Permits the district to engage in terracing and land treatment for soil conservation and improvement.

SECTION 39. (a) Permits the district to acquire and construct works, facilities, and improvements.
   (b) Requires the district to act in accordance with Chapter 51 of Water Code.

SECTION 40. Permits the district to drill, equip, operate, and maintain input wells.

SECTION 41. Permits the district to acquire property by gift, grant, devise, lease, purchase, or condemnation.

SECTION 42. (a) Grants the district the power of eminent domain.
(b) Power of eminent domain must be exercised according to Chapter 21 of the Property Code, but the district is not required to deposit money or a bond in the trial court.
(c) Waives the requirement of giving bond for trial court costs, issuance of a temporary restraining order or injunction, and an appeal or writ of error.
(d) Requires the district to bear the actual cost of exercising the power of eminent domain.

SECTION 43. Subject to this Act and Chapters 51 and 52 of the Water Code, the district may sell or dispose of property not necessary to carry out this Act.

SECTION 44. (a) Prohibits the district from supplying underground or surface water inside or outside the district.
(b) Prohibits the issuance of bonds or the levy of property tax to secure the payment of bonds.

SECTION 45. Protects the water rights of the owner of the land.

SECTION 46. (a) Requires the district to operate on a fiscal year basis.
(b) The fiscal year may not be changed more than once in a 24-month period.

SECTION 47. Requires the district to perform an annual audit.

SECTION 48. Requires that the audits and records be open to public inspection.

SECTION 49. (a) Requires the Board to prepare and approve an annual budget.
(b) The budget shall contain the following:
   (1) outstanding obligations
   (2) amount of cash on hand
   (3) amount of money received by the district from all sources during the previous year
   (4) amount of available money
   (5) expected ending balances
   (6) estimated revenues and balances
   (7) estimated maintenance and operating tax rate

SECTION 50. (a) Requires the Board to hold a public hearing on annual budget.
(b) Notice of hearing must be published 10 days before hearing.
(c) Entitles district residents the right to participate in hearings.
(d) Requires the Board to modify the proposed budget so that it reflects the taxpayers' interests.

SECTION 52. Limits expenditures to items only included in the annual budget.

SECTION 53. Requires the general manager to prepare a sworn statement of the district's amount of money and an account of disbursements.

SECTION 54. (a) Requires the Board to name which banks serve as depositories.
(b) Requires that district funds be deposited in banks. Allows the Board to place portion of funds on time deposit or purchase certificates of deposit.
(c) Requires the bank depository to execute a bond or provide security to secure funds that exceed the maximum amount secured by the F.D.I.C.

SECTION 55. (a) Permits the Board to invest or reinvest district funds in obligations of the U.S., the state, or any county, city, school district, or other political subdivisions of the state.
(b) Permits district funds to be placed in certificates of deposit.
(c) Permits the Board, by resolution, to invest or reinvest district funds through an authorized representative.

SECTION 56. (a) Permits the Board to pay all organizational expenses.
(b) Permits payments to be obtained from maintenance taxes or other revenues.

SECTION 57. Permits the district to borrow money to carry out the purposes of this Act.

SECTION 58. (a) Permits the district to levy a maintenance and operating tax.
(b) The maintenance tax must be approved by a majority vote of the district residents.
(c) Permits a maintenance and operating tax election to be held at the same
election to create a district.

SECTION 59. (a) permits the Board to levy taxes.
(b) Requires the Board to levy taxes on all property subject to district
taxation.

SECTION 60. Requires the Board to consider other sources of income in setting the tax
rate. The tax rate must be certified by the assessor-collector.

SECTION 61. (a) The Tax Code governs the appraisal, assessment, and collection of
district taxes.
(b) Permits the Board to appoint a district tax assessor-collector or may
contract one.

SECTION 62. Emergency Clause.

RULE-MAKING AUTHORITY

This Act grants the Irion County Water Conservation District the power to levy tax on all
property within the boundaries of the district and to adopt rules that are necessary to
provide for the conservation, preservation, protection, recharge, and prevention of waste
and pollution of underground and surface water.
Honorables H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 206 (relating to the creation, administration, powers, duties operations, fiscal procedures, and taxing authority of the Irion County 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 Senate as to its probable fiscal impact on units of local government.

Jim Oliver
Director

Source: Secretary of State:
LBB Staff: JO, JH, DS
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District.

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

SECTION 1. CREATION OF DISTRICT. On approval at the election required by Section 6 of this Act, the Irion County Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

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

SECTION 4. BOUNDARIES. The district is composed of all the territory located within Irion County.

SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the following persons are designated as temporary
directors of the district: 

(1) Precinct 1--Loye Tankersley  
(2) Precinct 2--Jim Westfall  
(3) Precinct 3--Tim Bennie  
(4) Precinct 4--Buck Whitley  
(5) At Large--Jane D. Murray.  

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the same qualifications as provided by Section 9 of this Act to fill the vacancy.  

(c) The temporary directors shall select from their members persons to serve as chairman, vice-chairman, and secretary.  

SECTION 6. CREATION ELECTION. (a) Not later than the 30th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 120th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.  

(b) In the order calling the election, the temporary directors shall designate election precincts and polling places for the election.  

(c) The temporary directors shall publish notice of the election at least one time in a newspaper or newspapers that have general circulation within the boundaries of the proposed district. The notice must be published before the 30th day preceding the date of the election.  

(d) The ballot for the election must be printed to provide
for voting for or against the proposition: "The creation of the
Irion County Water Conservation District."

(e) Immediately after the election, the presiding judge of
each polling place shall deliver the returns of the election to the
temporary directors, and the temporary directors shall canvass the
returns and declare the result.

(f) If a majority of the votes cast at the election favor
the creation of the district, the temporary directors shall declare
the district created and shall enter the results in their minutes.
If a majority of the votes cast at the election are against the
creation of the district, the temporary directors shall declare the
district defeated and shall enter the results in their minutes.
The temporary directors shall file a copy of the election results
with the Texas Department of Water Resources.

(g) If the creation of the district is defeated, further
elections may be called by the temporary directors to create the
district, but another election to confirm creation of the district
may not be called and held before the first anniversary of the most
recent creation election. If the district is not created within
five years after the effective date of this Act, this Act expires.

SECTION 7. INITIAL DIRECTORS. (a) On approval of the
creation of the district under Section 6 of this Act, the temporary
directors become the permanent directors of the district and shall
serve on the board of directors for terms as provided by Subsection
(b) of this section.

(b) The persons serving as directors for Precincts 1 and 3
shall serve as directors until the first regular meeting of the
board of directors in April following the first regular directors' election. The persons serving as directors for Precincts 2 and 4 and the director serving at large shall serve until the first regular meeting of the board of directors in April following the second regular directors' election.

SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. (a) The board of directors of the district is composed of five members.

(b) One director shall be elected from the district at large and one director shall be elected from each county commissioners precinct.

SECTION 9. QUALIFICATIONS OF BOARD MEMBERS. (a) To be qualified for election as a director, a person must be a resident of the district and must be at least 18 years of age.

(b) In addition to the requirements of Subsection (a) of this section, a person who is a director from a county commissioners precinct must be a resident of that precinct.

SECTION 10. ELECTION OF DIRECTORS. Beginning in the year following the creation election, an election shall be held on the first Saturday in April of each year to elect the appropriate number of directors to the board.

SECTION 11. TERM OF OFFICE. Except for the initial directors of the district, directors shall serve for terms of two years.

SECTION 12. BEGINNING OF DIRECTOR'S TERM. A director takes office at the first regular meeting of the board in April following election to the board.

SECTION 13. VACANCY ON BOARD. A vacancy on the board is
filled by appointment of the remaining members of the board for the unexpired term.

SECTION 14. OATH. Each director shall take the constitutional oath of office required of state officers.

SECTION 15. COMPENSATION. Each director is entitled to receive for his services not more than $25 a day for each day actually engaged in duties for the district.

SECTION 16. ORGANIZATION OF BOARD. (a) After each directors' election, the board shall hold a regular meeting at the district office and shall organize by electing from the members of the board one person to serve as chairman, one person to serve as vice-chairman, and one person to serve as secretary.

(b) A person selected to serve as chairman, vice-chairman, or secretary serves in that capacity for a term of two years.

(c) The chairman shall preside over meetings of the board, and in his absence, the vice-chairman shall preside.

(d) The chairman, vice-chairman, and secretary shall perform the duties and may exercise the powers specifically given them by this Act or by orders of the board.

SECTION 17. QUORUM. A majority of the members of the board constitute a quorum for the transaction of business of the district, but no official action of the board is valid without the affirmative vote of a majority of the members of the board.

SECTION 18. OTHER OFFICERS. (a) The board shall appoint persons to serve as treasurer and attorney for the district.

(b) The persons appointed under this section are entitled to the compensation provided by the district's budget.
(c) The person appointed as treasurer shall execute a bond in the amount determined by the board, payable to the district, conditioned on the faithful performance of the treasurer's duties. The district shall pay for the bond.

SECTION 19. GENERAL MANAGER. (a) The board may employ a general manager to be the chief administrative officer of the district and may delegate to him full authority to manage and operate the affairs of the district subject only to orders of the board.

(b) The general manager shall execute a bond in the amount determined by the board, payable to the district, and conditioned on the faithful performance of the general manager's duties. The district shall pay for the bond.

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SECTION 20. ENGINEER. The board may appoint or contract with a competent professional engineer for the district and may determine the amount of compensation to be paid to the engineer.

SECTION 21. PERSONNEL. (a) The general manager or the board may employ other persons necessary for the proper handling of the business and operation of the district and may employ or contract with expert and specialized personnel who are necessary to carry out this Act.

(b) The board shall determine the terms of employment and the compensation to be paid to employees under this section.

(c) The general manager or a majority of the members of the board may dismiss an employee of the district.
(d) The board shall require each employee or person under contract to the district who collects, pays, or handles any funds of the district to furnish a bond, payable to the district, for an amount sufficient to protect the district from financial loss resulting from actions of the employee or other person. Each bond shall be conditioned on the faithful performance of the employee's or person's duties and on accounting for all money and property of the district in his hands. The district shall pay for each bond.

SECTION 22. OFFICE. The board shall maintain an office within the boundaries of the district for conducting the business of the district.

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SECTION 24. MINUTES AND RECORDS. (a) The board shall keep a complete written account of all its meetings and other proceedings and shall preserve its minutes, contracts, records, plans, notices, accounts, receipts, and records of all kinds in a secure manner at the district's office.

(b) Minutes, contracts, records, plans, notices, accounts, receipts, and other records are the property of the district and are subject to public inspection. 7/8

SECTION 25. CONTRACTS. The board may enter into contracts as provided by Chapter 51, Water Code, and those contracts shall be executed by the board in the name of the district.

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exercised by the Texas Department of Water Resources under this Act and the Water Code.

SECTION 27. SUITS; PAYMENT OF JUDGMENTS. (a) The district may, through its board, sue and be sued in any court of this state in the name of the district. Service of process in a suit may be had by serving the general manager.

(b) The courts of this state shall take judicial notice of the creation of the district.

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SECTION 30. RULES. (a) The board may adopt rules that are necessary to carry out the purpose and powers under this Act and may enforce those rules by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.

(b) In addition to the rules adopted under Subsection (a) of this section, the board may adopt and enforce rules as provided by Sections 51.127-51.132, Water Code, as amended.
SECTION 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.

Except to the extent of any conflict with this Act or as specifically limited by this Act, the district may exercise the powers granted and shall exercise the duties under Subchapters D, O, and P, Chapter 51, Water Code, and Subchapter D, Chapter 52, Water Code, to carry out the purpose of the district and this Act.

SECTION 32. LIMITATION ON PERMIT AUTHORITY. If the district regulates production of underground water by permit as authorized by Chapter 52, Water Code, the board may not deny a permit to drill a well to the owner of land, his heirs, assigns, and lessees on his land and the right to produce water from that well under rules adopted by the district.

SECTION 33. STUDIES AND SURVEYS. The board shall have professional engineers make studies and surveys of the underground and surface water supplies within the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of those water resources. The professional engineers also shall determine the quantities of both underground and surface water in the district.

SECTION 34. PLANS AND SPECIFICATIONS. The district shall develop and implement comprehensive plans for the conservation, preservation, protection, recharge, and prevention of waste and pollution of underground and surface water within the district. The plans shall include all works, facilities, and improvements necessary to implement the plans and the specifications for those works, facilities, and improvements.

SECTION 35. RESEARCH; INFORMATION. The district shall
engage in research projects and shall develop information to be
used by the district in preparing and implementing its plans and in
carrying out its powers and duties under this Act.

SECTION 36. CONTROL, STORAGE, AND PRESERVATION OF WATER FOR
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law, the district may control, store, and preserve the storm water
and floodwater in the district and the water of the rivers and
streams in the district for irrigation of arid land, prevention of
floods and flood damage in the district, and domestic,
agricultural, and industrial uses.

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and improvements to accomplish this purpose.

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The district may construct and maintain terraces and other
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carry out its purpose and powers under this Act.

SECTION 41. ACQUISITION OF PROPERTY. The district may acquire by gift, grant, devise, lease, purchase, or condemnation any land or other property necessary to carry out this Act.

SECTION 42. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire by condemnation a fee simple or other interest in property located inside the district if the property interest is necessary to the exercise of the authority conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) In a condemnation proceeding brought by a district, the district is not required to pay in advance or give bond or other security for costs in the trial court, to give bond for the issuance of a temporary restraining order or a temporary injunction, or to give bond for costs or supersedeas on an appeal or writ of error.

(d) In exercising the power of eminent domain, if the district requires relocating, raising, lowering, rerouting, changing the grade, or altering the construction of any railroad, highway, pipeline, or electric transmission and electric distribution, telegraph, or telephone lines, conduits, poles, or facilities, the district must bear the actual cost of relocating, raising, lowering, rerouting, changing the grade, or altering the construction to provide comparable replacement without enhancement
of facilities after deducting the net salvage value derived for the
old facility.

SECTION 43. SALE AND DISPOSAL OF PROPERTY. Subject to this
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otherwise dispose of land and other property of the district that
is not necessary to carry out the purpose or powers of the district
as determined by the board.

SECTION 44. PROHIBITED ACTIONS. (a) The district may not
enter into any contract or engage in any action to supply
underground or surface water inside or outside the district.

(b) The district may not issue bonds or levy a property tax
to secure the payment of bonds.

SECTION 45. PROTECTION OF WATER RIGHTS. The ownership and
rights of the owner of land, his lessees, and assigns in
underground and any surface water rights are recognized and this
Act does not deprive or divest the owner, his lessees, and assigns
of those ownership rights.  \[ \frac{12}{13} \]

SECTION 46. FISCAL YEAR. (a) The district shall be
operated on the basis of a fiscal year established by the board.

(b) The fiscal year may not be changed more than once in a
24-month period.

SECTION 47. ANNUAL AUDIT. Annually, the board shall have an
audit made of the financial condition of the district.

SECTION 48. RECORDS. The annual audit and other district
records must be open to inspection during regular business hours at
the principal office of the district.

SECTION 49. ANNUAL BUDGET. (a) The board shall prepare and
approve an annual budget.

(b) The budget shall contain a complete financial statement, including a statement of:

(1) the outstanding obligations of the district;

(2) the amount of cash on hand to the credit of the district;

(3) the amount of money received by the district from all sources during the previous year;

(4) the amount of money available to the district from all sources during the ensuing year;

(5) the amount of the balances expected at the end of the year in which the budget is being prepared;

(6) the estimated amount of revenues and balances available to cover the proposed budget; and

(7) the estimated maintenance and operating tax rate that will be required.

SECTION 50. NOTICE; HEARING; ADOPTION OF BUDGET. (a) The board shall hold a public hearing on the annual budget.

(b) At least 10 days before the date set for the hearing, notice of the hearing must be published in a newspaper or newspapers that have general circulation within the boundaries of the district.

(c) Any person residing within the boundaries of the district is entitled to be present at and participate in the hearing.

(d) At the conclusion of the hearing, the board shall act on the budget and may make changes in the proposed budget that in its
SECTION 51. AMENDING BUDGET. After the annual budget is adopted, it may be amended on the board's approval.

SECTION 52. LIMITATION ON EXPENDITURES. Money may not be spent for an expense not included in the annual budget or an amendment to it.

SECTION 53. SWORN STATEMENT. As soon as practicable after the close of the fiscal year, the general manager shall prepare for the board a sworn statement of the amount of money that belongs to the district and an account of the disbursements of that money.

SECTION 54. DEPOSITORY. (a) The board shall name one or more banks to serve as depository for district funds.

(b) District funds shall be deposited as received with the depository bank and shall remain on deposit. This subsection does not limit the power of the board to place a portion of the district's funds on time deposit or to purchase certificates of deposit.

(c) Before the district deposits funds in a bank in an amount that exceeds the maximum amount secured by the Federal Deposit Insurance Corporation, the bank must execute a bond or provide other security in an amount sufficient to secure from loss the district's funds that exceed the amount secured by the Federal Deposit Insurance Corporation.

SECTION 55. INVESTMENTS. (a) Funds of the district may be invested and reinvested by the board or its authorized representative in direct or indirect obligations of the United States, the state, or any county, city, school district, or other
political subdivision of the state.

(b) Funds of the district may be placed in certificates of deposit of state or national banks, or state or federal savings and loan associations, within the state provided that the funds are secured in the manner required for the security of the funds of counties of the state.

(c) The board may provide that an authorized representative of the district may invest and reinvest the funds of the authority and provide for money to be withdrawn from the appropriate accounts of the district for investments on such terms as the board considers advisable.

SECTION 56. REPAYMENT OF ORGANIZATIONAL EXPENSES. (a) The district's directors may pay all costs and expenses necessarily incurred in the creation and organization of the district, legal fees, and other incidental expenses and may reimburse any person for money advanced for these purposes.

(b) Payments may be made from money obtained from maintenance taxes or other revenues of the district.

SECTION 57. BORROWING MONEY. The district may borrow money for any purpose authorized under this Act or any combination of those purposes.

SECTION 58. MAINTENANCE AND OPERATING TAX. (a) The district may annually levy and collect a tax on property within the boundaries of the district for use in maintaining facilities of the district and for paying operating expenses of the district.

(b) A maintenance and operating tax may not be levied by the district until it is approved by a majority vote of the individuals
qualified to vote in the area within the boundaries of the district
voting at an election called and held for that purpose.

(c) A maintenance and operating tax election may be held at
the same time and in conjunction with the election to create the
district. The procedure for calling and holding an election and
for canvassing returns of an election under this section is the
same as for the creation election under Section 6 of this Act.

SECTION 59. BOARD AUTHORITY. (a) The board may levy taxes
for the entire year in which the district is created.

(b) The board shall levy taxes on all property within the
boundaries of the district subject to district taxation.

SECTION 60. TAX RATE. In setting the tax rate, the board
shall take into consideration the income of the district from
sources other than taxation. On determination of the amount of tax
required to be levied, the board shall make the levy and certify it
to the tax assessor-collector.

SECTION 61. TAX APPRAISAL, ASSESSMENT, AND COLLECTION. (a)
The Tax Code governs the appraisal, assessment, and collection of
district taxes.

(b) The board may provide for the appointment of a tax
assessor-collector for the district or may contract for the
assessment and collection of taxes as provided by the Tax Code.

SECTION 62. 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: Sims

(Geistweidt)

S.B. No. 206

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District.

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

SECTION 1. CREATION OF DISTRICT. On approval at the election required by Section 6 of this Act, the Irion County Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

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

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

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

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

SECTION 4. BOUNDARIES. The district is composed of all the territory located within Irion County.

SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the following persons are designated as temporary directors of the district:
(1) Precinct 1--Loye Tankersley
(2) Precinct 2--Jim Westfall
(3) Precinct 3--Tim Bennie
(4) Precinct 4--Buck Whitley
(5) At Large--Jane D. Murray.

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the same qualifications as provided by Section 9 of this Act to fill the vacancy.

(c) The temporary directors shall select from their members persons to serve as chairman, vice-chairman, and secretary.

SECTION 6. CREATION ELECTION. (a) Not later than the 30th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 120th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.

(b) In the order calling the election, the temporary directors shall designate election precincts and polling places for the election.

(c) The temporary directors shall publish notice of the election at least one time in a newspaper or newspapers that have general circulation within the boundaries of the proposed district. The notice must be published before the 30th day preceding the date of the election.

(d) The ballot for the election must be printed to provide
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for voting for or against the proposition: "The creation of the Irion County Water Conservation District."

(e) Immediately after the election, the presiding judge of each polling place shall deliver the returns of the election to the temporary directors, and the temporary directors shall canvass the returns and declare the result.

(f) If a majority of the votes cast at the election favor the creation of the district, the temporary directors shall declare the district created and shall enter the results in their minutes. If a majority of the votes cast at the election are against the creation of the district, the temporary directors shall declare the district defeated and shall enter the results in their minutes. The temporary directors shall file a copy of the election results with the Texas Department of Water Resources.

(g) If the creation of the district is defeated, further elections may be called by the temporary directors to create the district, but another election to confirm creation of the district may not be called and held before the first anniversary of the most recent creation election. If the district is not created within five years after the effective date of this Act, this Act expires.

SECTION 7. INITIAL DIRECTORS. (a) On approval of the creation of the district under Section 6 of this Act, the temporary directors become the permanent directors of the district and shall serve on the board of directors for terms as provided by Subsection (b) of this section.

(b) The persons serving as directors for Precincts 1 and 3
shall serve as directors until the first regular meeting of the board of directors in April following the first regular directors' election. The persons serving as directors for Precincts 2 and 4 and the director serving at large shall serve until the first regular meeting of the board of directors in April following the second regular directors' election.

SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. (a) The board of directors of the district is composed of five members.

(b) One director shall be elected from the district at large and one director shall be elected from each county commissioners precinct.

SECTION 9. QUALIFICATIONS OF BOARD MEMBERS. (a) To be qualified for election as a director, a person must be a resident of the district and must be at least 18 years of age.

(b) In addition to the requirements of Subsection (a) of this section, a person who is a director from a county commissioners precinct must be a resident of that precinct.

SECTION 10. ELECTION OF DIRECTORS. Beginning in the year following the creation election, an election shall be held on the first Saturday in April of each year to elect the appropriate number of directors to the board.

SECTION 11. TERM OF OFFICE. Except for the initial directors of the district, directors shall serve for terms of two years.

SECTION 12. BEGINNING OF DIRECTOR'S TERM. A director takes office at the first regular meeting of the board in April following
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election to the board.

SECTION 13. VACANCY ON BOARD. A vacancy on the board is filled by appointment of the remaining members of the board for the unexpired term.

SECTION 14. OATH. Each director shall take the constitutional oath of office required of state officers.

SECTION 15. COMPENSATION. Each director is entitled to receive for his services not more than $25 a day for each day actually engaged in duties for the district.

SECTION 16. ORGANIZATION OF BOARD. (a) After each directors' election, the board shall hold a regular meeting at the district office and shall organize by electing from the members of the board one person to serve as chairman, one person to serve as vice-chairman, and one person to serve as secretary.

(b) A person selected to serve as chairman, vice-chairman, or secretary serves in that capacity for a term of two years.

(c) The chairman shall preside over meetings of the board, and in his absence, the vice-chairman shall preside.

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(b) The general manager shall execute a bond in the amount
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S.B. No. 206

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S.B. No. 206

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SECTION 51. AMENDING BUDGET. After the annual budget is adopted, it may be amended on the board's approval.

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deposit.

(c) Before the district deposits funds in a bank in an
amount that exceeds the maximum amount secured by the Federal
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political subdivision of the state.

(b) Funds of the district may be placed in certificates of
deposit of state or national banks, or state or federal savings and
loan associations, within the state provided that the funds are
secured in the manner required for the security of the funds of
counties of the state.

(c) The board by resolution may provide that an authorized
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the authority and provide for money to be withdrawn from the
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as the board considers advisable.

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district until it is approved by a majority vote of the individuals
qualified to vote in the area within the boundaries of the district
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the same time and in conjunction with the election to create the
district. The procedure for calling and holding an election and
for canvassing returns of an election under this section is the
same as for the creation election under Section 6 of this Act.

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SECTION 62. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District.

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

SECTION 1. CREATION OF DISTRICT. On approval at the election required by Section 6 of this Act, the Irion County Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

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

SECTION 4. BOUNDARIES. The district is composed of all the territory located within Irion County.

SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the following persons are designated as temporary directors of the district:
(1) Precinct 1--Loye Tankersley

(2) Precinct 2--Jim Westfall

(3) Precinct 3--Tim Bennie

(4) Precinct 4--Buck Whitley

(5) At Large--Jane D. Murray.

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the same qualifications as provided by Section 9 of this Act to fill the vacancy.

(c) The temporary directors shall select from their members persons to serve as chairman, vice-chairman, and secretary.

SECTION 6. CREATION ELECTION. (a) Not later than the 30th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 120th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.

(b) In the order calling the election, the temporary directors shall designate election precincts and polling places for the election.

(c) The temporary directors shall publish notice of the election at least one time in a newspaper or newspapers that have general circulation within the boundaries of the proposed district. The notice must be published before the 30th day preceding the date of the election.

(d) The ballot for the election must be printed to provide
for voting for or against the proposition: "The creation of the
Irion County Water Conservation District."

(e) Immediately after the election, the presiding judge of
each polling place shall deliver the returns of the election to the
temporary directors, and the temporary directors shall canvass the
returns and declare the result.

(f) If a majority of the votes cast at the election favor
the creation of the district, the temporary directors shall declare
the district created and shall enter the results in their minutes.
If a majority of the votes cast at the election are against the
creation of the district, the temporary directors shall declare the
district defeated and shall enter the results in their minutes.
The temporary directors shall file a copy of the election results
with the Texas Department of Water Resources.

(g) If the creation of the district is defeated, further
elections may be called by the temporary directors to create the
district, but another election to confirm creation of the district
may not be called and held before the first anniversary of the most
recent creation election. If the district is not created within
five years after the effective date of this Act, this Act expires.

SECTION 7. INITIAL DIRECTORS. (a) On approval of the
creation of the district under Section 6 of this Act, the temporary
directors become the permanent directors of the district and shall
serve on the board of directors for terms as provided by Subsection
(b) of this section.

(b) The persons serving as directors for Precincts 1 and 3
shall serve as directors until the first regular meeting of the
board of directors in April following the first regular directors'
election. The persons serving as directors for Precincts 2 and 4
and the director serving at large shall serve until the first
regular meeting of the board of directors in April following the
second regular directors' election.

SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. (a) The
board of directors of the district is composed of five members.

(b) One director shall be elected from the district at large
and one director shall be elected from each county commissioners
precinct.

SECTION 9. QUALIFICATIONS OF BOARD MEMBERS. (a) To be
qualified for election as a director, a person must be a resident
of the district and must be at least 18 years of age.

(b) In addition to the requirements of Subsection (a) of
this section, a person who is a director from a county
commissioners precinct must be a resident of that precinct.

SECTION 10. ELECTION OF DIRECTORS. Beginning in the year
following the creation election, an election shall be held on the
first Saturday in April of each year to elect the appropriate
number of directors to the board.

SECTION 11. TERM OF OFFICE. Except for the initial
directors of the district, directors shall serve for terms of two
years.

SECTION 12. BEGINNING OF DIRECTOR'S TERM. A director takes
office at the first regular meeting of the board in April following
election to the board.

SECTION 13. VACANCY ON BOARD. A vacancy on the board is filled by appointment of the remaining members of the board for the unexpired term.

SECTION 14. OATH. Each director shall take the constitutional oath of office required of state officers.

SECTION 15. COMPENSATION. Each director is entitled to receive for his services not more than $25 a day for each day actually engaged in duties for the district.

SECTION 16. ORGANIZATION OF BOARD. (a) After each directors' election, the board shall hold a regular meeting at the district office and shall organize by electing from the members of the board one person to serve as chairman, one person to serve as vice-chairman, and one person to serve as secretary.

(b) A person selected to serve as chairman, vice-chairman, or secretary serves in that capacity for a term of two years.

(c) The chairman shall preside over meetings of the board, and in his absence, the vice-chairman shall preside.

(d) The chairman, vice-chairman, and secretary shall perform the duties and may exercise the powers specifically given them by this Act or by orders of the board.

SECTION 17. QUORUM. A majority of the members of the board constitute a quorum for the transaction of business of the district, but no official action of the board is valid without the affirmative vote of a majority of the members of the board.

SECTION 18. OTHER OFFICERS. (a) The board shall appoint
persons to serve as treasurer and attorney for the district.

(b) The persons appointed under this section are entitled to
the compensation provided by the district's budget.

(c) The person appointed as treasurer shall execute a bond
in the amount determined by the board, payable to the district,
conditioned on the faithful performance of the treasurer's duties.
The district shall pay for the bond.

SECTION 19. GENERAL MANAGER. (a) The board may employ a
general manager to be the chief administrative officer of the
district and may delegate to him full authority to manage and
operate the affairs of the district subject only to orders of the
board.

(b) The general manager shall execute a bond in the amount
determined by the board, payable to the district, and conditioned
on the faithful performance of the general manager's duties. The
district shall pay for the bond.

(c) The general manager is entitled to receive the
compensation provided by the district's budget.

SECTION 20. ENGINEER. The board may appoint or contract
with a competent professional engineer for the district and may
determine the amount of compensation to be paid to the engineer.

SECTION 21. PERSONNEL. (a) The general manager or the
board may employ other persons necessary for the proper handling of
the business and operation of the district and may employ or
contract with expert and specialized personnel who are necessary to
carry out this Act.
(b) The board shall determine the terms of employment and the compensation to be paid to employees under this section.

(c) The general manager or a majority of the members of the board may dismiss an employee of the district.

(d) The board shall require each employee or person under contract to the district who collects, pays, or handles any funds of the district to furnish a bond, payable to the district, for an amount sufficient to protect the district from financial loss resulting from actions of the employee or other person. Each bond shall be conditioned on the faithful performance of the employee’s or person’s duties and on accounting for all money and property of the district in his hands. The district shall pay for each bond.

SECTION 22. OFFICE. The board shall maintain an office within the boundaries of the district for conducting the business of the district.

SECTION 23. MEETINGS OF BOARD. The board shall hold regular meetings at the district’s office at least once each month on a date established by rule of the board.

SECTION 24. MINUTES AND RECORDS. (a) The board shall keep a complete written account of all its meetings and other proceedings and shall preserve its minutes, contracts, records, plans, notices, accounts, receipts, and records of all kinds in a secure manner at the district’s office.

(b) Minutes, contracts, records, plans, notices, accounts, receipts, and other records are the property of the district and are subject to public inspection.
SECTION 25. CONTRACTS. The board may enter into contracts as provided by Chapter 51, Water Code, and those contracts shall be executed by the board in the name of the district.

SECTION 26. SUPERVISION OF DISTRICT. The district is subject to the continuing right of supervision by the state, to be exercised by the Texas Department of Water Resources under this Act and the Water Code.

SECTION 27. SUITS; PAYMENT OF JUDGMENTS. (a) The district may, through its board, sue and be sued in any court of this state in the name of the district. Service of process in a suit may be had by serving the general manager.

(b) The courts of this state shall take judicial notice of the creation of the district.

(c) A court of this state that renders a money judgment against the district may require the board to pay the judgment from money in the district depository that is not dedicated to the payment of any indebtedness of the district.

SECTION 28. SEAL. The board shall adopt a seal for the district.

SECTION 29. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the underground and surface water of the district consistent with the objectives of Article XVI, Section 59, of the Texas Constitution, and Chapters 51 and 52, Water Code.

SECTION 30. RULES. (a) The board may adopt rules that are
necessary to carry out the purpose and powers under this Act and may enforce those rules by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.

(b) In addition to the rules adopted under Subsection (a) of this section, the board may adopt and enforce rules as provided by Sections 51.127 through 51.132, Water Code, as amended.

SECTION 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE. Except to the extent of any conflict with this Act or as specifically limited by this Act, the district may exercise the powers granted and shall exercise the duties under Subchapters D, O, and P, Chapter 51, Water Code, and Subchapter D, Chapter 52, Water Code, to carry out the purpose of the district and this Act.

SECTION 32. LIMITATION ON PERMIT AUTHORITY. If the district regulates production of underground water by permit as authorized by Chapter 52, Water Code, the board may not deny a permit to drill a well to the owner of land, his heirs, assigns, and lessees on his land and the right to produce water from that well under rules adopted by the district.

SECTION 33. STUDIES AND SURVEYS. The board shall have professional engineers make studies and surveys of the underground and surface water supplies within the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of those water resources. The professional engineers also shall determine the quantities of both underground and surface water in the district.

SECTION 34. PLANS AND SPECIFICATIONS. The district shall
develop and implement comprehensive plans for the conservation,
preservation, protection, recharge, and prevention of waste and
pollution of underground and surface water within the district.
The plans shall include all works, facilities, and improvements
necessary to implement the plans and the specifications for those
works, facilities, and improvements.

SECTION 35. RESEARCH; INFORMATION. The district shall
engage in research projects and shall develop information to be
used by the district in preparing and implementing its plans and in
carrying out its powers and duties under this Act.

SECTION 36. CONTROL, STORAGE, AND PRESERVATION OF WATER FOR
CERTAIN PURPOSES. Subject to obtaining the permits required by
law, the district may control, store, and preserve the storm water
and floodwater in the district and the water of the rivers and
streams in the district for irrigation of arid land, prevention of
floods and flood damage in the district, and domestic,
agricultural, and industrial uses.

SECTION 37. RECLAMATION. The district may reclaim land
within the district and may construct necessary works, facilities,
and improvements to accomplish this purpose.

SECTION 38. SOIL CONSERVATION AND IMPROVEMENT; TERRACING.
The district may construct and maintain terraces and other
structures on land in the district and may engage in and promote
land treatment measures for soil conservation and improvement.

SECTION 39. ACQUISITION AND CONSTRUCTION OF WORKS,
FACILITIES, AND IMPROVEMENTS. (a) The district may construct or
acquire and improve and maintain works, facilities, and
improvements necessary to carry out the purpose, powers, and plans
of the district.

(b) The district shall construct and acquire works,
facilities, and improvements in the manner provided by Chapter 51,
Water Code, for water control and improvement districts.

SECTION 40. INPUT WELLS. The district may drill, equip,
operate, and maintain input wells, pumps, and other facilities to
carry out its purpose and powers under this Act.

SECTION 41. ACQUISITION OF PROPERTY. The district may
acquire by gift, grant, devise, lease, purchase, or condemnation
any land or other property necessary to carry out this Act.

SECTION 42. EMINENT DOMAIN. (a) The district may exercise
the power of eminent domain to acquire by condemnation a fee simple
or other interest in property located inside the district if the
property interest is necessary to the exercise of the authority
confferred by this chapter.

(b) The district must exercise the power of eminent domain
in the manner provided by Chapter 21, Property Code, but the
district is not required to deposit in the trial court money or a
bond as provided by Subsection (a), Section 21.021, Property Code.

(c) In a condemnation proceeding brought by a district, the
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issuance of a temporary restraining order or a temporary
injunction, or to give bond for costs or supersedeas on an appeal
or writ of error.

(d) In exercising the power of eminent domain, if the district requires relocating, raising, lowering, rerouting, changing the grade, or altering the construction of any railroad, highway, pipeline, or electric transmission and electric distribution, telegraph, or telephone lines, conduits, poles, or facilities, the district must bear the actual cost of relocating, raising, lowering, rerouting, changing the grade, or altering the construction to provide comparable replacement without enhancement of facilities after deducting the net salvage value derived for the old facility.

SECTION 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act and Chapters 51 and 52, Water Code, the district may sell or otherwise dispose of land and other property of the district that is not necessary to carry out the purpose or powers of the district as determined by the board.

SECTION 44. PROHIBITED ACTIONS. (a) The district may not enter into any contract or engage in any action to supply underground or surface water inside or outside the district.

(b) The district may not issue bonds or levy a property tax to secure the payment of bonds.

SECTION 45. PROTECTION OF WATER RIGHTS. The ownership and rights of the owner of land, his lessees, and assigns in underground and any surface water rights are recognized and this Act does not deprive or divest the owner, his lessees, and assigns of those ownership rights.
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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 S.B. 206 have had the same under consideration and beg to report back with the recommendation that it

( ) 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: (X) yes ( ) no  An actuarial analysis was requested: ( ) yes (X) no

An author’s fiscal statement was requested: (X) yes ( ) no

The Committee recommends that this measure be placed on the ( ) ( ) (Consent) Calendar.

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

House Sponsor of Senate Measure Rep. Geistweidt

The measure was reported from Committee by the following vote:

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<th>ABSENT</th>
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Total 6 aye 0 nay 0 present, not voting 3 absent

[Signatures]

CHAIRMAN  
COMMITTEE COORDINATOR
Bill Analysis

S. B. 206

By: Sims

Background: Irion County is located just west of San Angelo in the western part of the Colorado River Basin. Because the county only receives about 16 inches of rainfall annually, it is heavily dependent on the waters of the Edwards-Trinity aquifer which overlies. The lower part of the aquifer is 100 feet thick, and the and the upper part of the aquifer is about 500 feet thick. Water in the aquifer is fresh, and high capacity wells yield about 250 gallons per minute.

However, because oil and gas corporations have some interest in the primarily rural county, saltwater injection wells have been drilled through the aquifer which would threaten the underground water supply.

The people of Irion County are concerned about possible pollution from the saltwater injection wells. The major problems with the wells is that leaks could occur through the casing and during plugging of the wells. Cracks and fissures underground provide pathways for saltwater to escape to fresh water. The liability for the company that drills the wells has been eliminated, but the threat to the public remains.

Additionally, SB 206 functions through the creation of a surface and underground conservation district. Legislation currently under consideration by the legislature would greatly increase the power of the state to manage ground water resources. The citizens of Irion County feel that a locally controlled district would best represent the county's interest.

Purpose: SB 206 would create a conservation district to manage the surface and ground water resources in Irion County.
... by Section Analysis

Section 1. Creates the Irion County Water Conservation District on approval at the election.

Section 2. Defines "district".

Section 3. Lists legislative findings:
(1) organization of district is feasible and practical
(2) the land and residents will benefit by the creation of the district
(3) public necessity exists for the district
(4) the district will further public welfare

Section 4. Delineates the boundaries of district.

TEMPORARY DIRECTORS

Section 5. (a) Designates the following as temporary directors:
(1) Precinct 1--Loye Tankersley
(2) Precinct 2--Jim Westfall
(3) Precinct 3--Tim Bennie
(4) Precinct 4--Buck Whitley
(5) At Large--Jane D. Murray
(b) Requires the temporary directors to fill a vacancy by selecting a person with the required qualifications.
(c) Charges the temporary directors to select from their members a chairman, vice-chairman and secretary.

Section 6. (a) Requires the temporary directors to meet 30 days after the effective date to call an election to be held not later than 120 days after the effective date.
(b) Requires the temporary directors to designate election precincts and polling places.
(c) Requires the temporary directors to publish at least one notice of election 30 days before the election.
(d) The election ballot must provide for voting for or against the proposition.
(e) Charges the presiding judge of each polling place to deliver the election results to the temporary directors for disclosure.
(f) Requires the temporary directors to declare a district created if votes are favorable and to declare a district defeated if majority of votes are against. Also they must file copy of election results with Texas Department of Water Resources.
(g) Allows temporary directors to hold further elections, but not an election to confirm the creation of a district. Sets the expiration date of Act at 5 years after effective date if no district is created.

Section 7. INITIAL DIRECTORS
(a) Designates the temporary directors as initial directors upon approval of district.
(b) Sets the term expiration dates for Precincts 1 and 3 on the first board meeting of April after first regular directors' election, and Precincts 2 and 4 and one at-large on the first board meeting after the second regular directors' election.

Section 8. (a) Limits the composition of board to five members.
(b) Board must consist of one director at large and one director from each commissioner's court.

Section 9. (a) Requires a director to be a resident of the district and at least 18 years of age.
(b) Requires precinct director to be a resident of county commissioners district.

Section 10. Elections must be held every year on the first Saturday in April.

Section 11. Sets the terms at two years.
SECTION 12. The terms of the directors begin on the first Board meeting in April following the election.

SECTION 13. Board members shall fill a vacancy by appointment.

SECTION 14. Requires that each director take the constitutional oath of office.

SECTION 15. Entitles the directors to $25 a day for service.

SECTION 16. (a) A chairman, vice-chairman, and secretary will be elected from among the directors.
(b) Sets 2 year terms for chairman, vice-chairman, and secretary.
(c) Charges the chairman to preside over meetings and vice-chairman to provide in chairman's absence.
(d) Requires the chairman, vice-chairman and secretary to perform the duties and powers under this Act.

SECTION 17. Constitutes the quorum for business transactions at a majority of members, but in official action is valid without affirmative vote of a majority of board members.

SECTION 18. (a) Requires the board to appoint a treasurer and attorney.
(b) Entitles persons appointed under this section to compensation.
(c) Charges the treasurer to execute a bond.

SECTION 19. (a) Permits the Board to employ a general manager.
(b) Charges the general manager to execute a bond according to Board's specifications.
(c) Entitles the general manager to receive compensation.

SECTION 20. Permits the board to appoint or contract an engineer.

SECTION 21. (a) Permits the general manager or the board to employ other persons or specialized personnel who are necessary to carry out the purpose of this Act.
(b) Requires the board to set the terms of employment and the amount of compensation.
(c) Permits the general manager or board to dismiss district employees.
(d) Requires employees handling district funds to furnish a bond for the protection from financial loss. The district shall pay for the bond.

SECTION 22. Requires the board to maintain an office within the district.

SECTION 23. Requires the Board to hold meetings at least once a month at the district office.

SECTION 24. (a) Requires the Board to keep an account of all meetings and records at the district office.
(b) Subjects the minutes and records to public inspection.

SECTION 25. Permits the Board to enter contracts as provided by Chapter 51 of Water Code.

SECTION 26. Subjects the district to supervision by the Texas Department of Water Resources.

SECTION 27. (a) permits the district to sue or be sued in any court of this state.
(b) Requires state courts to take judicial notice of the creation of the district.
(c) Permits a state court to require the district to pay a money judgment from the district's depository.

SECTION 28. Requires the district to adopt a seal.

SECTION 29. Charges the district to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the underground and surface water of the district consistent with the objectives of Art. XVI, Sec. 59 of the Texas Constitution, and Chapters 51 and 52 of Water Code.

SECTION 30. (a) Permits the Board to adopt and enforce rules needed to carry out this Act.
(b) Permits the Board to adopt and enforce rules as provided by Sections 11.177 - 15.132 of Water Code.

SECTION 31. Permits the district to exercise the powers and duties under Subchapters D, G, and F, Chapter 51 and Subchapter D, Chapter 52 of the Water Code.

SECTION 32. Limits the district's well permit authority by not allowing them to deny a permit to drill a well or right to produce water to the owner of land, his heirs, assigns and lessees.

SECTION 33. Requires the Board to employ a professional engineer to make studies and surveys of the underground and surface water supplies and to determine the amount of both underground and surface water in the district.

SECTION 34. Requires the district to develop and implement plans and specifications to carry out the purpose of this Act.

SECTION 35. Requires the district to engage in research and develop information to aid in the implementation of plans under this Act.

SECTION 36. Permits the district to conduct, store, and preserve water for purposes such as irrigation, flood control, and domestic, agricultural, and industrial uses.

SECTION 37. Permits the district to reclaim land within the district.

SECTION 38. Permits the district to engage in terracing and land treatment for soil conservation and improvement.

SECTION 39. (a) Permits the district to acquire and construct works, facilities, and improvements.
(b) Requires the district to act in accordance with Chapter 51 of Water Code.

SECTION 40. Permits the district to drill, equip, operate, and maintain input wells.

SECTION 41. Permits the district to acquire property by gift, grant, devise, lease, purchase, or condemnation.

SECTION 42. (a) Grants the district the power of eminent domain.
(b) Power of eminent domain must be exercised according to Chapter 21 of the Property Code, but the district is not required to deposit money or a bond in the trial court.
(c) Waives the requirement of giving bond for trial court costs, issuance of a temporary restraining order or injunction, and an appeal or writ of error.
(d) Requires the district to bear the actual cost of exercising the power of eminent domain.

SECTION 43. Subject to this Act and Chapters 51 and 52 of the Water Code, the district may sell or dispose of property not necessary to carry out this Act.

SECTION 44. (a) Prohibits the district from supplying underground or surface water inside or outside the district.
(b) Prohibits the issuance of bonds or the levy of property tax to secure the payment of bonds.

SECTION 45. Protects the water rights of the owner of the land.

SECTION 46. (a) Requires the district to operate on a fiscal year basis.
(b) The fiscal year may not be changed more than once in a 24-month period.

SECTION 47. Requires the district to perform an annual audit.

SECTION 48. Requires that the audits and records be open to public inspection.

SECTION 49. (a) Requires the Board to prepare and approve an annual budget
(b) The budget shall contain the following:
1) outstanding obligations
2) amount of cash on hand
(3) amount of money received by the district from all sources during
the previous year

(4) amount of available money

(5) expected ending balances

(6) estimated revenues and balances

(7) estimated maintenance and operating tax rate

SECTION 50. (a) Requires the Board to hold a public hearing on annual budget.
(b) Notice of hearing must be published 10 days before hearing.
(c) Entitles district residents the right to participate in hearings.
(d) Requires the Board to modify the proposed budget so that it reflects
the taxpayers interests.

SECTION 52. Limits expenditures to items only included in the annual budget.

SECTION 53. Requires the general manager to prepare a sworn statement of the district's
amount of money and an account of disbursements.

SECTION 54. (a) Requires the Board to name which banks serve as depositories.
(b) Requires that district funds be deposited in banks. Allows the Board
to state portion of funds on time deposit or purchase certificates of deposit.
(c) Requires the bank depository to execute a bond or provide security to
protect funds that exceed the maximum amount secured by the F.D.I.C.

SECTION 55. (a) Permits the Board to invest or reinvest district funds in obligations
of the U.S., the state, or any county, city, school district, or other political
divisions of the state.
(b) Permits district funds to be placed in certificates of deposit.
(c) Permits the Board, by resolution, to invest or reinvest district funds
in an authorized representative.

SECTION 56. (a) Permits the Board to pay all organizational expenses.
(b) Permits payments to be obtained from maintenance taxes or other
revenues.

SECTION 57. Permits the district to borrow money to carry out the purposes of this Act.

SECTION 58. (a) Permits the district to levy a maintenance and operating tax.
(b) The maintenance tax must be approved by a majority vote of the district
residents.
(c) Permits a maintenance and operating tax election to be held at the same
election to create a district.

SECTION 59. (a) permits the Board to levy taxes.
(b) Requires the Board to levy taxes on all property subject to district
taxation.

SECTION 60. Requires the Board to consider other sources of income in setting the tax
rate. The tax rate must be certified by the assessor-collector.

SECTION 61. (a) The Tax Code governs the appraisal, assessment, and collection of
property taxes.
(b) Permits the Board to appoint a district tax assessor-collector or may
appoint one.

SECTION 62. Emergency Clause.

ACQUISITION AUTHORITY

This Act grants the Irion County Water Conservation District the power to levy tax on all
property within the boundaries of the district and to adopt rules that are necessary to
provide for the conservation, preservation, protection, recharge, and prevention of waste
and pollution of underground and surface water.
Summary of Committee Action

The Committee on Natural Resources heard S.B. 206 in formal meeting on April 4, 1985, upon adjournment of the House of Representatives at Chairman Craddick's desk, Desk 70. It was moved that S.B. 206 be reported back to the House with the recommendation that it do pass, without amendments and that it be sent to the consent calendar. The motion prevailed with a vote of 6 ayes, no nays, 3 absent, and no present-not-voting.
Honorable Tom Craddick, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: Senate Bill No. 206, as engrossed
By: Sims

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 206, as engrossed (relating to the creation, administration, powers, duties operations, fiscal procedures, and taxing authority of the Irion County 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 Senate as to its probable fiscal impact on units of local government.

Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, PA
April 4, 1985

The Honorable Tom Craddick
Chairman, House Natural Resources Committee

RE: Author's Fiscal Statement, Senate Bill 206 by Sims
(relation to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District).

Sir,

In response to your request for an Author's Fiscal Statement on the above mentioned measure, I have determined:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated (per L.B.B.)

2. COST TO IRION COUNTY: funded through tax revenues and permits issued from the Irion Co. Water Conservation District:
   A. Cost of confirmation election
   B. Per diem expenses of board
   C. Compensation for professional assistance
   D. Administrative expenses

3. FISCAL YEAR PROJECTIONS:
   1986....$32,750
   1987....$32,750 and any professional assistance
   1988....same as 1987 anticipated
   1989....same as 1987 anticipated
   1990....same as 1987 anticipated

Please let me know if I can provide further information to you or the committee.

Respectfully,

Gerald Geistweitd
(House Sponsor SB 206)
AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District.

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

SECTION 1. CREATION OF DISTRICT. On approval at the election required by Section 6 of this Act, the Irion County Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

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

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

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

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

SECTION 4. BOUNDARIES. The district is composed of all the territory located within Irion County.

SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the following persons are designated as temporary directors of the district:
(1) Precinct 1--Loye Tankersley
(2) Precinct 2--Jim Westfall
(3) Precinct 3--Tim Bennie
(4) Precinct 4--Buck Whitley
(5) At Large--Jane D. Murray.

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the same qualifications as provided by Section 9 of this Act to fill the vacancy.

(c) The temporary directors shall select from their members persons to serve as chairman, vice-chairman, and secretary.

SECTION 6. CREATION ELECTION. (a) Not later than the 30th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 120th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.

(b) In the order calling the election, the temporary directors shall designate election precincts and polling places for the election.

(c) The temporary directors shall publish notice of the election at least one time in a newspaper or newspapers that have general circulation within the boundaries of the proposed district. The notice must be published before the 30th day preceding the date of the election.

(d) The ballot for the election must be printed to provide
for voting for or against the proposition: "The creation of the
Irion County Water Conservation District."

(e) Immediately after the election, the presiding judge of
each polling place shall deliver the returns of the election to the
temporary directors, and the temporary directors shall canvass the
returns and declare the result.

(f) If a majority of the votes cast at the election favor
the creation of the district, the temporary directors shall declare
the district created and shall enter the results in their minutes.
If a majority of the votes cast at the election are against the
creation of the district, the temporary directors shall declare the
district defeated and shall enter the results in their minutes.
The temporary directors shall file a copy of the election results
with the Texas Department of Water Resources.

(g) If the creation of the district is defeated, further
elections may be called by the temporary directors to create the
district, but another election to confirm creation of the district
may not be called and held before the first anniversary of the most
recent creation election. If the district is not created within
five years after the effective date of this Act, this Act expires.

SECTION 7. INITIAL DIRECTORS. (a) On approval of the
creation of the district under Section 6 of this Act, the temporary
directors become the permanent directors of the district and shall
serve on the board of directors for terms as provided by Subsection
(b) of this section.

(b) The persons serving as directors for Precincts 1 and 3
shall serve as directors until the first regular meeting of the board of directors in April following the first regular directors' election. The persons serving as directors for Precincts 2 and 4 and the director serving at large shall serve until the first regular meeting of the board of directors in April following the second regular directors' election.

SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. (a) The board of directors of the district is composed of five members.

(b) One director shall be elected from the district at large and one director shall be elected from each county commissioners precinct.

SECTION 9. QUALIFICATIONS OF BOARD MEMBERS. (a) To be qualified for election as a director, a person must be a resident of the district and must be at least 18 years of age.

(b) In addition to the requirements of Subsection (a) of this section, a person who is a director from a county commissioners precinct must be a resident of that precinct.

SECTION 10. ELECTION OF DIRECTORS. Beginning in the year following the creation election, an election shall be held on the first Saturday in April of each year to elect the appropriate number of directors to the board.

SECTION 11. TERM OF OFFICE. Except for the initial directors of the district, directors shall serve for terms of two years.

SECTION 12. BEGINNING OF DIRECTOR'S TERM. A director takes office at the first regular meeting of the board in April following
election to the board.

SECTION 13. VACANCY ON BOARD. A vacancy on the board is filled by appointment of the remaining members of the board for the unexpired term.

SECTION 14. OATH. Each director shall take the constitutional oath of office required of state officers.

SECTION 15. COMPENSATION. Each director is entitled to receive for his services not more than $25 a day for each day actually engaged in duties for the district.

SECTION 16. ORGANIZATION OF BOARD. (a) After each directors' election, the board shall hold a regular meeting at the district office and shall organize by electing from the members of the board one person to serve as chairman, one person to serve as vice-chairman, and one person to serve as secretary.

(b) A person selected to serve as chairman, vice-chairman, or secretary serves in that capacity for a term of two years.

(c) The chairman shall preside over meetings of the board, and in his absence, the vice-chairman shall preside.

(d) The chairman, vice-chairman, and secretary shall perform the duties and may exercise the powers specifically given them by this Act or by orders of the board.

SECTION 17. QUORUM. A majority of the members of the board constitute a quorum for the transaction of business of the district, but no official action of the board is valid without the affirmative vote of a majority of the members of the board.

SECTION 18. OTHER OFFICERS. (a) The board shall appoint
persons to serve as treasurer and attorney for the district.

   (b) The persons appointed under this section are entitled to
the compensation provided by the district's budget.

   (c) The person appointed as treasurer shall execute a bond
in the amount determined by the board, payable to the district,
conditioned on the faithful performance of the treasurer's duties.
The district shall pay for the bond.

SECTION 19. GENERAL MANAGER. (a) The board may employ a
general manager to be the chief administrative officer of the
district and may delegate to him full authority to manage and
operate the affairs of the district subject only to orders of the
board.

   (b) The general manager shall execute a bond in the amount
determined by the board, payable to the district, and conditioned
on the faithful performance of the general manager's duties. The
district shall pay for the bond.

   (c) The general manager is entitled to receive the
compensation provided by the district's budget.

SECTION 20. ENGINEER. The board may appoint or contract
with a competent professional engineer for the district and may
determine the amount of compensation to be paid to the engineer.

SECTION 21. PERSONNEL. (a) The general manager or the
board may employ other persons necessary for the proper handling of
the business and operation of the district and may employ or
contract with expert and specialized personnel who are necessary to
carry out this Act.
(b) The board shall determine the terms of employment and
the compensation to be paid to employees under this section.

(c) The general manager or a majority of the members of the
board may dismiss an employee of the district.

(d) The board shall require each employee or person under
contract to the district who collects, pays, or handles any funds
of the district to furnish a bond, payable to the district, for an
amount sufficient to protect the district from financial loss
resulting from actions of the employee or other person. Each bond
shall be conditioned on the faithful performance of the employee's
or person's duties and on accounting for all money and property of
the district in his hands. The district shall pay for each bond.

SECTION 22. OFFICE. The board shall maintain an office
within the boundaries of the district for conducting the business
of the district.

SECTION 23. MEETINGS OF BOARD. The board shall hold regular
meetings at the district's office at least once each month on a
date established by rule of the board.

SECTION 24. MINUTES AND RECORDS. (a) The board shall keep
a complete written account of all its meetings and other
proceedings and shall preserve its minutes, contracts, records,
plans, notices, accounts, receipts, and records of all kinds in a
secure manner at the district's office.

(b) Minutes, contracts, records, plans, notices, accounts,
receipts, and other records are the property of the district and
are subject to public inspection.
SECTION 25. CONTRACTS. The board may enter into contracts as provided by Chapter 51, Water Code, and those contracts shall be executed by the board in the name of the district.

SECTION 26. SUPERVISION OF DISTRICT. The district is subject to the continuing right of supervision by the state, to be exercised by the Texas Department of Water Resources under this Act and the Water Code.

SECTION 27. SUITS; PAYMENT OF JUDGMENTS. (a) The district may, through its board, sue and be sued in any court of this state in the name of the district. Service of process in a suit may be had by serving the general manager.

(b) The courts of this state shall take judicial notice of the creation of the district.

(c) A court of this state that renders a money judgment against the district may require the board to pay the judgment from money in the district depository that is not dedicated to the payment of any indebtedness of the district.

SECTION 28. SEAL. The board shall adopt a seal for the district.

SECTION 29. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the underground and surface water of the district consistent with the objectives of Article XVI, Section 59, of the Texas Constitution, and Chapters 51 and 52, Water Code.

SECTION 30. RULES. (a) The board may adopt rules that are
necessary to carry out the purpose and powers under this Act and
may enforce those rules by injunction, mandatory injunction, or
other appropriate remedies in a court of competent jurisdiction.

(b) In addition to the rules adopted under Subsection (a) of
this section, the board may adopt and enforce rules as provided by
Sections 51.127 through 51.132, Water Code, as amended.

SECTION 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.
Except to the extent of any conflict with this Act or as
specifically limited by this Act, the district may exercise the
powers granted and shall exercise the duties under Subchapters D,
O, and P, Chapter 51, Water Code, and Subchapter D, Chapter 52,
Water Code, to carry out the purpose of the district and this Act.

SECTION 32. LIMITATION ON PERMIT AUTHORITY. If the district
regulates production of underground water by permit as authorized
by Chapter 52, Water Code, the board may not deny a permit to drill
a well to the owner of land, his heirs, assigns, and lessees on his
land and the right to produce water from that well under rules
adopted by the district.

SECTION 33. STUDIES AND SURVEYS. The board shall have
professional engineers make studies and surveys of the underground
and surface water supplies within the district and the facilities,
available for use in the conservation, preservation, protection,
recharge, and prevention of waste and pollution of those water
resources. The professional engineers also shall determine the
quantities of both underground and surface water in the district.

SECTION 34. PLANS AND SPECIFICATIONS. The district shall
develop and implement comprehensive plans for the conservation, preservation, protection, recharge, and prevention of waste and pollution of underground and surface water within the district. The plans shall include all works, facilities, and improvements necessary to implement the plans and the specifications for those works, facilities, and improvements.

SECTION 35. RESEARCH; INFORMATION. The district shall engage in research projects and shall develop information to be used by the district in preparing and implementing its plans and in carrying out its powers and duties under this Act.

SECTION 36. CONTROL, STORAGE, AND PRESERVATION OF WATER FOR CERTAIN PURPOSES. Subject to obtaining the permits required by law, the district may control, store, and preserve the storm water and floodwater in the district and the water of the rivers and streams in the district for irrigation of arid land, prevention of floods and flood damage in the district, and domestic, agricultural, and industrial uses.

SECTION 37. RECLAMATION. The district may reclaim land within the district and may construct necessary works, facilities, and improvements to accomplish this purpose.

SECTION 38. SOIL CONSERVATION AND IMPROVEMENT; TERRACING. The district may construct and maintain terraces and other structures on land in the district and may engage in and promote land treatment measures for soil conservation and improvement.

SECTION 39. ACQUISITION AND CONSTRUCTION OF WORKS, FACILITIES, AND IMPROVEMENTS. (a) The district may construct or
acquire and improve and maintain works, facilities, and improvements necessary to carry out the purpose, powers, and plans of the district.

(b) The district shall construct and acquire works, facilities, and improvements in the manner provided by Chapter 51, Water Code, for water control and improvement districts.

SECTION 40. INPUT WELLS. The district may drill, equip, operate, and maintain input wells, pumps, and other facilities to carry out its purpose and powers under this Act.

SECTION 41. ACQUISITION OF PROPERTY. The district may acquire by gift, grant, devise, lease, purchase, or condemnation any land or other property necessary to carry out this Act.

SECTION 42. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire by condemnation a fee simple or other interest in property located inside the district if the property interest is necessary to the exercise of the authority conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the district is not required to deposit in the trial court money or a bond as provided by Subsection (a), Section 21.021, Property Code.

(c) In a condemnation proceeding brought by a district, the district is not required to pay in advance or give bond or other security for costs in the trial court, to give bond for the issuance of a temporary restraining order or a temporary injunction, or to give bond for costs or supersedeas on an appeal
or writ of error.

(d) In exercising the power of eminent domain, if the district requires relocating, raising, lowering, rerouting, changing the grade, or altering the construction of any railroad, highway, pipeline, or electric transmission and electric distribution, telegraph, or telephone lines, conduits, poles, or facilities, the district must bear the actual cost of relocating, raising, lowering, rerouting, changing the grade, or altering the construction to provide comparable replacement without enhancement of facilities after deducting the net salvage value derived for the old facility.

SECTION 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act and Chapters 51 and 52, Water Code, the district may sell or otherwise dispose of land and other property of the district that is not necessary to carry out the purpose or powers of the district as determined by the board.

SECTION 44. PROHIBITED ACTIONS. (a) The district may not enter into any contract or engage in any action to supply underground or surface water inside or outside the district.

(b) The district may not issue bonds or levy a property tax to secure the payment of bonds.

SECTION 45. PROTECTION OF WATER RIGHTS. The ownership and rights of the owner of land, his lessees, and assigns in underground and any surface water rights are recognized and this Act does not deprive or divest the owner, his lessees, and assigns of those ownership rights.
SECTION 46. FISCAL YEAR. (a) The district shall be operated on the basis of a fiscal year established by the board.

(b) The fiscal year may not be changed more than once in a 24-month period.

SECTION 47. ANNUAL AUDIT. Annually, the board shall have an audit made of the financial condition of the district.

SECTION 48. RECORDS. The annual audit and other district records must be open to inspection during regular business hours at the principal office of the district.

SECTION 49. ANNUAL BUDGET. (a) The board shall prepare and approve an annual budget.

(b) The budget shall contain a complete financial statement, including a statement of:

1. the outstanding obligations of the district;
2. the amount of cash on hand to the credit of the district;
3. the amount of money received by the district from all sources during the previous year;
4. the amount of money available to the district from all sources during the ensuing year;
5. the amount of the balances expected at the end of the year in which the budget is being prepared;
6. the estimated amount of revenues and balances available to cover the proposed budget; and
7. the estimated maintenance and operating tax rate that will be required.
S.B. No. 206

SECTION 50. NOTICE; HEARING; ADOPTION OF BUDGET. (a) The board shall hold a public hearing on the annual budget.

(b) At least 10 days before the date set for the hearing, notice of the hearing must be published in a newspaper or newspapers that have general circulation within the boundaries of the district.

(c) Any person residing within the boundaries of the district is entitled to be present at and participate in the hearing.

(d) At the conclusion of the hearing, the board shall act on the budget and may make changes in the proposed budget that in its judgment the interests of the taxpayers demand.

SECTION 51. AMENDING BUDGET. After the annual budget is adopted, it may be amended on the board's approval.

SECTION 52. LIMITATION ON EXPENDITURES. Money may not be spent for an expense not included in the annual budget or an amendment to it.

SECTION 53. SWORN STATEMENT. As soon as practicable after the close of the fiscal year, the general manager shall prepare for the board a sworn statement of the amount of money that belongs to the district and an account of the disbursements of that money.

SECTION 54. DEPOSITORY. (a) The board shall name one or more banks to serve as depository for district funds.

(b) District funds shall be deposited as received with the depository bank and shall remain on deposit. This subsection does not limit the power of the board to place a portion of the
district's funds on time deposit or to purchase certificates of
deposit.

(c) Before the district deposits funds in a bank in an
amount that exceeds the maximum amount secured by the Federal
Deposit Insurance Corporation, the bank must execute a bond or
provide other security in an amount sufficient to secure from loss
the district's funds that exceed the amount secured by the Federal
Deposit Insurance Corporation.

SECTION 55. INVESTMENTS. (a) Funds of the district may be
invested and reinvested by the board or its authorized
representative in direct or indirect obligations of the United
States, the state, or any county, city, school district, or other
political subdivision of the state.

(b) Funds of the district may be placed in certificates of
deposit of state or national banks, or state or federal savings and
loan associations, within the state provided that the funds are
secured in the manner required for the security of the funds of
counties of the state.

(c) The board by resolution may provide that an authorized
representative of the district may invest and reinvest the funds of
the authority and provide for money to be withdrawn from the
appropriate accounts of the district for investments on such terms
as the board considers advisable.

SECTION 56. REPAYMENT OF ORGANIZATIONAL EXPENSES. (a) The
district's directors may pay all costs and expenses necessarily
incurred in the creation and organization of the district, legal
fees, and other incidental expenses and may reimburse any person for money advanced for these purposes.

(b) Payments may be made from money obtained from maintenance taxes or other revenues of the district.

SECTION 57. BORROWING MONEY. The district may borrow money for any purpose authorized under this Act or any combination of those purposes.

SECTION 58. MAINTENANCE AND OPERATING TAX. (a) The district may annually levy and collect a tax on property within the boundaries of the district for use in maintaining facilities of the district and for paying operating expenses of the district.

(b) A maintenance and operating tax may not be levied by the district until it is approved by a majority vote of the individuals qualified to vote in the area within the boundaries of the district voting at an election called and held for that purpose.

(c) A maintenance and operating tax election may be held at the same time and in conjunction with the election to create the district. The procedure for calling and holding an election and for canvassing returns of an election under this section is the same as for the creation election under Section 6 of this Act.

SECTION 59. BOARD AUTHORITY. (a) The board may levy taxes for the entire year in which the district is created.

(b) The board shall levy taxes on all property within the boundaries of the district subject to district taxation.

SECTION 60. TAX RATE. In setting the tax rate, the board shall take into consideration the income of the district from
sources other than taxation. On determination of the amount of tax
required to be levied, the board shall make the levy and certify it
to the tax assessor-collector.

SECTION 61. TAX APPRAISAL, ASSESSMENT, AND COLLECTION. (a)
The Tax Code governs the appraisal, assessment, and collection of
district taxes.

(b) The board may provide for the appointment of a tax
assessor-collector for the district or may contract for the
assessment and collection of taxes as provided by the Tax Code.

SECTION 62. 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.
President of the Senate

I hereby certify that S.B. No. 206 passed the Senate on March 6, 1985, by the following vote: Yeas 31, Nays 0.

Speaker of the House

I hereby certify that S.B. No. 206 passed the House on April 18, 1985, by the following vote: Yeas 139, Nays 0, two present not voting.

Secretary of the Senate

Chief Clerk of the House

Approved:

Date

Governor
President of the Senate

I hereby certify that S.B. No. 206(1) passed the Senate on March 6 (2), 1985, by the following vote:

Yea's 31 (3), Nays 0 (4).

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 206(1) passed the House on April 18 (5), 1985, by the following vote:

Yea's 139 (6), Nays 0 (7). I was present, not voting.

Chief Clerk of the House

Approved:

Date

Governor
AN ACT relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Irion County Water Conservation District.

1-18-85 Filed with the Secretary of the Senate
JAN 21 1985 Read, referred to Committee on ________________

Reported favorably.

MAR 5 1985 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAR 6 1985 Senate and Constitutional Rules to permit consideration suspended by unanimous consent

yeas, nays.

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

Read second time and ordered engrossed. passed to third reading.

Caption ordered amended to conform to body of bill.

MAR 6 1985 Senate and Constitutional 3-Day Rules suspended by vote of yeas, nays. to place bill on third reading and final passage.

MAR 8 1985 Read third time and passed by yeas, nays.

OTHER ACTION:

Sec'y Sims
Secretary of the Senate

MAR 7 1985 Received from the Senate
MAR 12 1985 Read first time and referred to Committee on ________________

Reported favorably amended, sent to Printer at 5:25 pm
APR 1 1 1985 Printed and Distributed
APR 12 1985 Sent to Committee on Calendars consent 9:36 am
APR 18 1985 Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of yeas, nays

Present, not voting.

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

APR 18 1985 Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of yeas, nays present not voting.

Caption ordered amended to conform to body of bill.

APR 22 1985 Returned to Senate.

Chief Clerk of the House

Engrossed

Sent to House

ENGROSSING CLERK