A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Lampasas County Underground Water Conservation District, is created in Lampasas County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. BOUNDARIES. The district includes all the territory located within Lampasas County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of
the Texas Constitution. The district is created to serve a public
use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights,
powers, privileges, authority, functions, and duties provided by
the general law of this state, including Chapters 50 and 52, Water
Code, applicable to underground water conservation districts
created under Article XVI, Section 59, of the Texas Constitution.
This Act prevails over any provision of general law that is in
conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions,
and duties of the district are subject to the continuing right of
supervision of the state to be exercised by and through the Texas
Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) The district is
governed by a board of five directors composed of the county judge
and the county commissioners of Lampasas County.

(b) The county judge is the chairman of the board of
directors.

(c) The county judge and each county commissioner serves as
a director as an additional duty of service on the commissioners
court.

SECTION 8. TEMPORARY DIRECTORS. The county judge and the
county commissioners of Lampasas County shall serve as the
temporary board of directors.

SECTION 9. CONFIRMATION ELECTION. (a) The temporary board
of directors shall call and hold an election to confirm
establishment of the district.
(b) At the confirmation election, the temporary board of
directors may not include a proposition on the ballot to levy and
collect a property tax in the district.

(c) If the district is created at the election, the
temporary directors, at the time the vote is canvassed, shall
become the regular directors of the district.

(d) Section 41.001(a), Election Code, does not apply to a
confirmation election held as provided by this section.

(e) Except as provided by this section, a confirmation
election must be conducted as provided by Sections 52.058(b)-(g),

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this
Act, setting forth the general substance of this Act, has been
published as provided by law, and the notice and a copy of this Act
have been furnished to all persons, agencies, officials, or
entities to which they are required to be furnished by the
constitution and other laws of this state, including the governor,
who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations
relating to this Act with the governor, lieutenant governor, and
speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this
state and the rules and procedures of the legislature with respect
to the notice, introduction, and passage of this Act are fulfilled
and accomplished.

SECTION 11. 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.
PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF LAMPASAS

Before me, a Notary Public in and for Lampasas County, this day personally appeared Jim Lowe, Editor, Lampasas Dispatch, who, being duly sworn, states that the following advertisement was published in the Lampasas Dispatch on March 2, 1989.

<table>
<thead>
<tr>
<th>NOTICE IS HEREBY GIVEN OF intent to introduce during the 71st Texas Legislature legislation relating to the creation, administration, powers, duties, operation, and financing of an underground water conservation district in Lampasas County.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fred E. Lowe-Publisher</td>
</tr>
</tbody>
</table>

Sworn to and subscribed before me this 30th day of March, 1989.

Anne Cooper Jones

My commission expires __________, 19__.
LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES
STATE OF TEXAS

TO: The Honorable William P. Clements, Jr.
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Water Commission copies of House Bill No. 3122, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Water Commission, under Section 59(d), Article XVI, Constitution of the State of Texas.

APR 12 1989
Date transmitted to
Governor’s Office

Betty M. Murray, Chief Clerk
House of Representatives

TO: Texas Water Commission

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. 3122, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

4/14/89
Date transmitted to
Texas Water Commission

William P. Clements, Jr.
Governor

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

The Honorable William P. Hobby
President of the Senate

The Honorable William P. Clements, Jr.
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Water Commission on House Bill No. _____, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

Allen Beinke
Executive Director
A BILL TO BE ENTITLED

AN ACT

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

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confirmation election held as provided by this section.
(e) Except as provided by this section, a confirmation
election must be conducted as provided by Sections 52.058(b)-(g),

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
(a) The proper and legal notice of the intention to introduce this
Act, setting forth the general substance of this Act, has been
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have been furnished to all persons, agencies, officials, or
entities to which they are required to be furnished by the
constitution and other laws of this state, including the governor,
who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations
relating to this Act with the governor, lieutenant governor, and
speaker of the house of representatives within the required time.
(c) All requirements of the constitution and laws of this
state and the rules and procedures of the legislature with respect
to the notice, introduction, and passage of this Act are fulfilled
and accomplished.

SECTION 11. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
COMMITTEE AMENDMENT NO. 1

Amend H.B. 3122 as follows:

(1) On page 1, line 7, strike "Lampasas County" and substitute "Saratoga".

(2) On page 1, line 16, strike "Lampasas County" and substitute "Saratoga".

Yost
The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 3122 (measure) have had the same under consideration and beg to report back with the recommendation that it

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

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

An actuarial analysis was requested. ( ) yes (x) no

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

A criminal justice policy impact statement was prepared. ( ) yes (x) no

A water development policy impact statement was requested. (X) yes ( ) no

(X) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, (X) Consent, or ( ) Resolutions Calendar.

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

House Sponsor of Senate Measure

The measure was reported from Committee by the following vote:

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<thead>
<tr>
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<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
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<tr>
<td>Smith, T., Ch.</td>
<td>X</td>
<td></td>
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<td>Willy, V.C.</td>
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<td>Collazo, C.B.O.</td>
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<td>Holzheuser</td>
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<td>Yost</td>
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</table>

Total

6 aye
0 nay
0 present, not voting
3 absent

CHAIRMAN

COMMITTEE COORDINATOR
Background

It is believed that creation of the Lampasas County Underground Water Conservation District would benefit residents of the area.

Purpose of the Bill

This bill creates the district and provides for its operation.

Section by Section Analysis

Section 1. Creates the district.

Section 2. Definition.

Section 3. Includes all territory in the county in the district.

Section 4. Legislative finding that the boundaries form a closure.

Section 5. Legislative finding of benefit.

Section 6. Provides for the powers of the district under Chapters 50 and 52, Water Code, as applicable to districts created under Article XVI, Section 59 of the Texas Constitution.

Section 7. Provides for the county judge and county commissioners to comprise the districts' board of directors.

Section 8. Provides for the same membership for the temporary board of directors.

Section 9. Provides for the holding of a confirmation election under provisions of the Election Code. Prohibits inclusion of property tax propositions in the confirmation election.

Section 10. Legislative finding of compliance with procedural requirements.

Section 11. Emergency clause.

Rulemaking Authority

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

Summary of Committee Action

HB 3122 was posted for consideration in public hearing on April 26, 1989. No action was taken on the bill in that hearing.
The posting rules were suspended on May 3, 1989 in order for HB 3122 to be considered in public hearing on that day. Representative Willy laid out the bill, and moved that it be left pending in committee until necessary amendments could be drafted. There being no objection, HB 3122 was left pending on May 3, 1989.

HB 3122 was considered in formal meeting on May 5, 1989. Representative Yost proposed an amendment to change the name of the district to the Saratoga Underground Water Conservation District. There being no objection, the amendment was adopted. The motion to report HB 3122 favorably, with amendment, to the consent calendar carried with a vote of 6 ayes, 0 nays, 0 PNV, and 3 absent.
April 26, 1989

Honorable Terral Smith
Committee on Natural Resources
Room 232
Reagan Building, HAND-DELIVER

Dear Terral:

In response to your request for an Author's Fiscal Statement on House Bill 3172, I have determined the following:

1. COST TO STATE GOVERNMENT: No fiscal implication to the State is anticipated.

2. COST TO LAMPASAS COUNTY GOVERNMENT: As provided in the bill, the County would create the Lampasas County Underground Water District. If a special election is called the cost would be approximately $2800.00. If the election is held during a previously called election, the additional cost would be negligible.

3. FISCAL YEAR PROJECTIONS:
   1989...anticipated cost $2800.00
   1990...no additional cost anticipated
   1991...no additional cost anticipated
   1992...no additional cost anticipated
   1993...no additional cost anticipated

If you need additional information, please let me know.

Very truly yours,

STAN SCHLUETER
CHAIRMAN
CALENDARS COMMITTEE

SS: cj
The Honorable Gib Lewis
Speaker of the House of Representatives
P.O. Box 2910
Austin, Texas 78769

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4 Sec. 36.

Bill No. (H.B. 3122) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Lampasas County Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments on items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman, House Natural Resources Committee
Senator Bill Sims, State Senate
Representative Stan Schlueter, House of Representatives
TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE LAMPASAS COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for House Bill 3122 (H.B. 3122)
relating to the creation, administration, powers, duties, operation, and financing
of the Lampasas County Underground Water Conservation District follow.

Wells located within the limits of this proposed district which encompasses all of
the territory located within Lampasas County, primarily utilize the Trinity Group
aquifer, however, the Marble Falls Limestone aquifer yields a limited amount of
ground water in the southwest part of the county. Additionally, the
Ellenburger-San Saba and the Hickory Sandstone aquifers contain usable quality
water in the same area, but at considerable depth. Available data do not indicate
that there is hydrogeologic justification for the proposed district boundaries.
Lampasas County has been included in one of the Critical Area ground water studies
currently underway. These studies are being conducted by the Commission and the
Board under Subchapter C, Chapter 52, Texas Water Code.

H.B. 3122 provides that the proposed district would have all the rights, powers,
privileges, authority, functions, and duties provided by the general law of this
state, including Chapters 50 and 52, Texas Water Code, applicable to underground
water conservation districts created under Article XVI, Section 59, of the Texas
Constitution. Except as otherwise provided by Subchapter B, Section 52.022 and
this bill, the provisions found in Chapter 51, Subchapter B, Texas Water Code, for
creating water control and improvement districts also apply to the creation of
underground water conservation districts to the extent that those provisions may
be made applicable. Specific impact statements related to required headings
follow.
1) **Population projections** - The proposed District is coterminous with the boundaries of Lampasas County. The Board's current projected population for Lampasas County indicates an anticipated increase in population ranging from 12,315 to 15,969 over the next 20 years.

2) **District finances** - In accordance with Chapter 52, Texas Water Code, the district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each $100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.

3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors composed of the county judge and the four county commissioners. The county judge is the chairman of the board of directors. The county judge and the county commissioners serve as directors as an additional duty of service on the commissioners court. These directors shall serve as the temporary board of directors. The temporary board shall call and hold an election to confirm the establishment of the district. This board may not include a proposition on the ballot to levy and collect a property tax in the district. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall become the regular directors of the district. Section 41.001(a), Election Code, does not apply to the confirmation election; however, except as provided by this section, a confirmation election must be conducted as provided by Sections 52.058(b)-(g), Texas Water Code, and the Election Code.

Since the bill proposes the creation of an underground water conservation district, it will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to those districts created under Article XVI, Section 59 of the Texas
Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. This act prevails over any provision of general law that is in conflict or inconsistent with it. No special or additional powers or duties are authorized by the bill.

4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the District agrees with the State Water Plan objective of local groundwater management to promote more efficient use of groundwater resources.

5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Subchapter A, Section 50.001 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for bonds of municipal utility districts under Section 54.516 of Chapter 54, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.

8) **Adequacy of the boundary description** - The district includes all of the area located within Lampasas County, therefore, the boundary description is adequate. There appears to be no conflict between the boundaries of this district and other existing districts.

9) **Comment on powers and duties different from similar types of districts** - This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts. In terms of powers and duties, this district will not differ significantly from similar types of districts. However, the district, as proposed in this bill, does differ significantly in the composition of its board of directors. The fact that the directors of the district are also the county judge and county commissioners of Lampasas County may cause a potential conflict with the constitutional prohibition against dual office holding and the common laws doctrine of incompatibility.

The Commission offers the following comments related to the bill.

Subsection 9(b) prohibits the temporary board from proposing a property tax in the confirmation election. The legislative intent of this subsection is unclear as the board has the authority under Chapter 52, Texas Water Code, to levy ad valorem taxes without voter approval.

Lampasas County had the option to join an underground water conservation district, the Fox Crossing Water District following enactment of its creation legislation (Ch. 779, [General and Special Laws of the 69th Legislature, 1985]) but the confirmation election did not carry (successful in Mills County, also unsuccessful in San Saba County).
COMMITTEE AMENDMENT NO. 1 

BY Yost

1 Amend H.B. 3122 as follows:

2 (1) On page 1, line 7, strike "Lampasas County" and substitute "Saratoga".

3 (2) On page 1, line 16, strike "Lampasas County" and substitute "Saratoga".

* * * * * * PROFS * * * * * *
A BILL TO BE ENTITLED

AN ACT

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(d) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(e) Except as provided by this section, a confirmation election must be conducted as provided by Sections 52.058(b)-(g), Water Code, and the Election Code.

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 11. EMERGENCY. The importance of this legislation
H.B. No. 3122

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.
April 26, 1989

Honorable Terral Smith
Committee on Natural Resources
Room 232
Reagan Building, HAND-DELIVER

Dear Terral:

In response to your request for an Author's Fiscal Statement on House Bill 312, I have determined the following:

1. COST TO STATE GOVERNMENT: No fiscal implication to the State is anticipated.

2. COST TO LAMPASAS COUNTY GOVERNMENT: As provided in the bill, the County would create the Lampasas County Underground Water District. If a special election is called the cost would be approximately $2800.00. If the election is held during a previously called election, the additional cost would be negligible.

3. FISCAL YEAR PROJECTIONS:

   1989...anticipated cost $2800.00
   1990...no additional cost anticipated
   1991...no additional cost anticipated
   1992...no additional cost anticipated
   1993...no additional cost anticipated

If you need additional information, please let me know.

Very truly yours,

STAN SCHLUETER
CHAIRMAN
CALENDARS COMMITTEE

SS: cj
The Honorable Gib Lewis
Speaker of the House of Representatives
P.O. Box 2910
Austin, Texas 78769

Re: Responsibility of the Texas Water Commission to submit a recommendation on
legislation pursuant to Article XVI, Section 59(d), Texas Constitution; and
Responsibility of the Texas Water Commission and the Texas Water Development
Board to submit a water development policy impact statement pursuant to HOUSE
RULE 4 Sec. 36.

Bill No. (H.B. 3122) - Proposed creation of a conservation and reclamation
district pursuant to Article III, S52 and Article XVI, S59(d), Texas
Constitution: Lampasas County Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced
constitutional and house rule requirements. Comments on items 1) and 4) were
provided by the Texas Water Development Board and comments on the remaining items
were provided by the Texas Water Commission.

Sincerely,

Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Senator Bill Sims, State Senate
Representative Stan Schlueter, House of Representatives
Water Development Policy Impact Statements for House Bill 3122 (H.B. 3122) relating to the creation, administration, powers, duties, operation, and financing of the Lampasas County Underground Water Conservation District follow.

Wells located within the limits of this proposed district which encompasses all of the territory located within Lampasas County, primarily utilize the Trinity Group aquifer, however, the Marble Falls Limestone aquifer yields a limited amount of ground water in the southwest part of the county. Additionally, the Ellenburger-San Saba and the Hickory Sandstone aquifers contain usable quality water in the same area, but at considerable depth. Available data do not indicate that there is hydrogeologic justification for the proposed district boundaries. Lampasas County has been included in one of the Critical Area ground water studies currently underway. These studies are being conducted by the Commission and the Board under Subchapter C, Chapter 52, Texas Water Code.

H.B. 3122 provides that the proposed district would have all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Except as otherwise provided by Subchapter B, Section 52.022 and this bill, the provisions found in Chapter 51, Subchapter B, Texas Water Code, for creating water control and improvement districts also apply to the creation of underground water conservation districts to the extent that those provisions may be made applicable. Specific impact statements related to required headings follow.
1) Population projections - The proposed District is coterminous with the boundaries of Lampasas County. The Board's current projected population for Lampasas County indicates an anticipated increase in population ranging from 12,315 to 15,969 over the next 20 years.

2) District finances - In accordance with Chapter 52, Texas Water Code, the district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each $100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.

3) Board of directors & powers - This proposed district is to be governed by a board of five directors composed of the county judge and the four county commissioners. The county judge is the chairman of the board of directors. The county judge and the county commissioners serve as directors as an additional duty of service on the commissioners court. These directors shall serve as the temporary board of directors. The temporary board shall call and hold an election to confirm the establishment of the district. This board may not include a proposition on the ballot to levy and collect a property tax in the district. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall become the regular directors of the district. Section 41.001(a), Election Code, does not apply to the confirmation election; however, except as provided by this section, a confirmation election must be conducted as provided by Sections 52.058(b)-(g), Texas Water Code, and the Election Code.

Since the bill proposes the creation of an underground water conservation district, it will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to those districts created under Article XVI, Section 59 of the Texas
Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. This act prevails over any provision of general law that is in conflict or inconsistent with it. No special or additional powers or duties are authorized by the bill.

4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the District agrees with the State Water Plan objective of local groundwater management to promote more efficient use of groundwater resources.

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6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
7) Exclusion of land from district - This bill contains no specific provisions for the exclusion of land from the district.

8) Adequacy of the boundary description - The district includes all of the area located within Lampasas County, therefore, the boundary description is adequate. There appears to be no conflict between the boundaries of this district and other existing districts.

9) Comment on powers and duties different from similar types of districts - This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts. In terms of powers and duties, this district will not differ significantly from similar types of districts. However, the district, as proposed in this bill, does differ significantly in the composition of its board of directors. The fact that the directors of the district are also the county judge and county commissioners of Lampasas County may cause a potential conflict with the constitutional prohibition against dual office holding and the common law doctrine of incompatibility.

The Commission offers the following comments related to the bill.

Subsection 9(b) prohibits the temporary board from proposing a property tax in the confirmation election. The legislative intent of this subsection is unclear as the board has the authority under Chapter 52, Texas Water Code, to levy ad valorem taxes without voter approval.

Lampasas County had the option to join an underground water conservation district, the Fox Crossing Water District following enactment of its creation legislation (Ch. 779, [General and Special Laws of the 69th Legislature, 1985]) but the confirmation election did not carry (successful in Mills County, also unsuccessful in San Saba County).
REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 3122, by: [Signature]

was heard by the Committee on Natural Resources on 5-24, 1989,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0350 IF YOU HAVE ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.
SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

Sir:

We, your Committee on ________________ to which was referred
HB 3122
(measure)
by Schleeter
(sponsor)

have on May 24, 1989, had the same
(hearing date)

under consideration and I am instructed to report it back with the recommendation(s) that it

✓ do pass and be printed

( ) do pass and be ordered not printed

✓ and is recommended for placement on the Local and Uncontested Bills Calendar.

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

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

An actuarial analysis was requested.  ( ) yes  ( ) no

Considered by subcommittee.  ( ) yes  ( ) no

Senate Sponsor of House Measure

The measure was reported from Committee by the following vote:

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[Signature]
COMMITTEE CLERK

[Signature]
CHAIRMAN

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.
By: Schlueter (Senate Sponsor - Dickson)  
H.B. No. 3122  
In the Senate - Received from the House May 17, 1989;  
May 18, 1989, read first time and referred to Committee on Natural  
Resources; May 25, 1989, reported favorably by the following vote:  
Yeas 6, Nays 0; May 25, 1989, sent to printer.)  

COMMITTEE VOTE

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A BILL TO BE ENTITLED  
AN ACT

relating to the creation, administration, powers, duties,  
operation, and financing of the Saratoga Underground Water  
Conservation District.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. CREATION. (a) An underground water conservation  
district, to be known as the Saratoga Underground Water  
Conservation District, is created in Lampasas County, subject to  
availability approval at a confirmation election under Section 9 of this Act.  
The district is a governmental agency and a body politic and  
corporate.  
(b) The district is created under and is essential to  
accomplish the purposes of Article XVI, Section 59, of the Texas  
Constitution.

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

SECTION 3. BOUNDARIES. The district includes all the  
territory located within Lampasas County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature  
finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other  
property included within the boundaries of the district will be  
benefited by the works and projects that are to be accomplished by  
the district under powers conferred by Article XVI, Section 59, of  
the Texas Constitution. The district is created to serve a public  
use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights,  
powers, privileges, authority, functions, and duties provided by  
the general law of this state, including Chapters 50 and 52, Water  
Code, applicable to underground water conservation districts  
created under Article XVI, Section 59, of the Texas Constitution.  
This Act prevails over any provision of general law that is in  
conflict or inconsistent with this Act.  
(b) The rights, powers, privileges, authority, functions,  
and duties of the district are subject to the continuing right of  
supervision of the state to be exercised by and through the Texas  
Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) The district is  
governed by a board of five directors composed of the county judge  
and the county commissioners of Lampasas County.  
(b) The county judge is the chairman of the board of  
directors.  
(c) The county judge and each county commissioner serves as  
a director as an additional duty of service on the commissioners  
court.

SECTION 8. TEMPORARY DIRECTORS. The county judge and the  
county commissioners of Lampasas County shall serve as the
temporary board of directors.

SECTION 9. CONFIRMATION ELECTION. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district.

(b) At the confirmation election, the temporary board of directors may not include a proposition on the ballot to levy and collect a property tax in the district.

(c) If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall become the regular directors of the district.

(d) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(e) Except as provided by this section, a confirmation election must be conducted as provided by Sections 52.058(b)-(g), Water Code, and the Election Code.

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

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

* * * * *

Austin, Texas
May 25, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B. No. 3122, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Santiesteban, Chairman
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
May 20, 1989

TO:     Honorable H. Tati Santiesteban, Chairman
        Committee on Natural Resources
        Senate Chamber
        Austin, Texas

        In Re: House Bill No. 3122,
        as engrossed
        By: Schlueter

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 3122, as
engrossed (relating to the creation, administration, powers, duties, operation,
and financing of the Saratoga Underground Water Conservation District) this
office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, AL, SKM, CKM
April 26, 1989

Honorable Terral Smith
Committee on Natural Resources
Room 232
Reagan Building, HAND-DELIVER

Dear Terral:

In response to your request for an Author's Fiscal Statement on House Bill 3122, I have determined the following:

1. COST TO STATE GOVERNMENT: No fiscal implication to the State is anticipated.

2. COST TO LAMPASAS COUNTY GOVERNMENT: As provided in the bill, the County would create the Lampasas County Underground Water District. If a special election is called, the cost would be approximately $2800.00. If the election is held during a previously called election, the additional cost would be negligible.

3. FISCAL YEAR PROJECTIONS:
   1989...anticipated cost $2800.00
   1990...no additional cost anticipated
   1991...no additional cost anticipated
   1992...no additional cost anticipated
   1993...no additional cost anticipated

If you need additional information, please let me know.

Very truly yours,

[Signature]

STAN SCHLUETER
CHAIRMAN
CALENDARS COMMITTEE

SS: cj
LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES
STATE OF TEXAS

TO: The Honorable William P. Clements, Jr.
   Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Water Commission copies of House Bill No. 3122, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Water Commission, under Section 59(d), Article XVI, Constitution of the State of Texas.

APR 12 1989
Date transmitted to Governor's Office

Betty Murray
Chief Clerk
House of Representatives

TO: Texas Water Commission

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. 3122, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

4/14/89
Date transmitted to Texas Water Commission

William P. Clements, Jr.
Governor

TO: The Honorable Gibson D. "Gib" Lewis
   Speaker of the House
   The Honorable William P. Hobby
   President of the Senate
   The Honorable William P. Clements, Jr.
   Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Water Commission on House Bill No. ______, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

Allen Beinke
Executive Director
Texas Water Commission

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner

April 27, 1989

Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

The Honorable Gib Lewis
Speaker of the House of Representatives
P.O. Box 2910
Austin, Texas 78769

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4 Sec. 36.

Bill No. (H.B. 3122) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Lampasas County Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments on items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Senator Bill Sims, State Senate
Representative Stan Schlueter, House of Representatives
TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE LAMPASAS COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for House Bill 3122 (H.B. 3122)
relating to the creation, administration, powers, duties, operation, and financing
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ground water in the southwest part of the county. Additionally, the
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Constitution. Except as otherwise provided by Subchapter B, Section 52.022 and
this bill, the provisions found in Chapter 51, Subchapter B, Texas Water Code, for
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The Commission offers the following comments related to the bill.

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AN ACT

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

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

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Saratoga Underground Water Conservation District, is created in Lampasas County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. BOUNDARIES. The district includes all the territory located within Lampasas County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of
the Texas Constitution. The district is created to serve a public
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powers, privileges, authority, functions, and duties provided by
the general law of this state, including Chapters 50 and 52, Water
Code, applicable to underground water conservation districts
created under Article XVI, Section 59, of the Texas Constitution.
This Act prevails over any provision of general law that is in
conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions,
and duties of the district are subject to the continuing right of
supervision of the state to be exercised by and through the Texas
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SECTION 7. BOARD OF DIRECTORS. (a) The district is
governed by a board of five directors composed of the county judge
and the county commissioners of Lampasas County.

(b) The county judge is the chairman of the board of
directors.

(c) The county judge and each county commissioner serves as
a director as an additional duty of service on the commissioners
court.

SECTION 8. TEMPORARY DIRECTORS. The county judge and the
county commissioners of Lampasas County shall serve as the
temporary board of directors.

SECTION 9. CONFIRMATION ELECTION. (a) The temporary board
of directors shall call and hold an election to confirm
establishment of the district.
H.B. No. 3122

(b) At the confirmation election, the temporary board of directors may not include a proposition on the ballot to levy and collect a property tax in the district.

(c) If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall become the regular directors of the district.

(d) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(e) Except as provided by this section, a confirmation election must be conducted as provided by Sections 52.058(b)-(g), Water Code, and the Election Code.

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 11. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.
H.B. No. 3122

President of the Senate

I certify that H.B. No. 3122 was passed by the House on May 16, 1989, by the following vote: Yeas 145, Nays 0.

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 3122 was passed by the Senate on May 27, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _______________________

Date

Governor
President of the Senate

I certify that H.B. No. 3122 was passed by the House on May 16, 1989, by the following vote:

Yeas 145, Nays 0

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 3122 was passed by the Senate on May 27, 1989, by the following vote:

Yeas 31, Nays 0

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT25;
A BILL TO BE ENTITLED

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

MAY 16 1989
1. Filed with the Chief Clerk.

MAY 16 1989
2. Read first time and referred to Committee on

MAY 16 1989
3. Reported favorably (as amended) and sent to Printer at 3:30 pm

MAY 10 1989
4. Printed and distributed at 2:43 pm

MAY 10 1989
5. Sent to Committee on Calendars at 9:51 am

MAY 16 1989
6. Read second time (amended) passed to third reading (failed) by (Non-Record Vote)
(passed, not voting).

MAY 16 1989
7. Motion to reconsider and table the vote by which H.B. ________ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of ________ year,
_______ nays, and ________ present, not voting).

MAY 17 1989
8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of ________ year, ________ nays, and ________
present, not voting.

MAY 16 1989
9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of
145 years, _______ nays, ______ present, not voting).

MAY 16 1989
10. Caption ordered amended to conform to body of bill.

MAY 16 1989
11. Motion to reconsider and table the vote by which H.B. ________ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of ________ year,
_______ nays, and ________ present, not voting).

MAY 16 1989
12. Ordered Engrossed at 12:45 pm

MAY 16 1989
13. Engrossed.

MAY 16 1989
14. Returned to Chief Clerk at 11:38 pm

MAY 17 1989
15. Sent to Senate.

MAY 17 1989
16. Received from the House

MAY 25 1989
17. Read, referred to Committee on

MAY 25 1989
18. Reported favorably

MAY 25 1989
19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

MAY 25 1989
20. Ordered not printed.

MAY 25 1989
21. Regular order of business suspended by
(a viva voce vote.)

Chief Clerk of the House

MAY 25 1989
21. Regular order of business suspended by
(a viva voce vote.)

Chief Clerk of the House
22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of
   yes, ______ nays.

MAY 27 1989

23. Read second time passed to third reading by:
   a viva voce vote.
   yes, ______ nays.)

MAY 27 1989

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

MAY 27 1989

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

MAY 27 1989

26. Read third time and passed by:
   a viva voce vote.
   yes, ______ nays.)

OTHER ACTION: OTHER ACTION:

______________________________________________
Secretary of the Senate

MAY 27 1989

27. Returned to the House.

MAY 27 1989

28. Received from the Senate ______ Amendments
   (as submitted.)

MAY 27 1989

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

MAY 27 1989

30. Conference Committee Ordered.

MAY 27 1989

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

MAY 27 1989

32. Ordered Enrolled at 12:00am.