A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Reagan 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 Reagan County Underground Water Conservation District, is created in Reagan 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 Reagan County Underground Water Conservation District.

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

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the right of the district to levy and collect taxes, or the legality or operation of the
district or its governing body.

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. A director must be 18 years of age or older.

(b) The temporary directors who become the initial permanent directors serve until permanent directors are elected under Section 10.

(c) Permanent directors other than first-elected permanent directors serve staggered four-year terms.

(d) Each director must qualify to serve as director in the
manner provided by Sections 51.078 and 51.079, Water Code.

(e) A director serves until the director's successor has
qualified.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
directors is composed of:

(1) Precinct 1--Joe Dean Weatherby
(2) Precinct 2--Norman Guess
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(5) At-large--John Agee

(b) If a temporary director fails to qualify for office, the
temporary directors who have qualified shall appoint a person to
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qualified temporary directors, the Texas Water Commission shall
appoint the necessary number of persons to fill all vacancies on
the board.

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

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the initial permanent directors of the district.

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

(d) Except as provided by this section, a confirmation
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(b) On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. Directors elected from district precincts 2 and 4 shall each serve two-year terms and directors elected from district precincts 1 and 3 and the district at large shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.  
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(c) The ownership and rights of the owner of land, the owner's lessees, and assigns in underground and any surface water
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SECTION 12. 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 13. EXPIRATION. If creation of the district is not confirmed before the fifth anniversary of the effective date of this Act, this Act expires.
SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
By: Sims

二月四日，1989年；二月四日，1989年，读
第一次，并提交自然资源委员会
审议，1989年，报告被反对，有利
委员会
由投票决定：赞成6, 反对0; 1989年，
发送到打印机。

COMMITTEE VOTE

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COMMITTEE SUBSTITUTE FOR S.B. No. 1634

By: Sims

A BILL TO BE ENTITLED
AN ACT

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operation, and financing of the Reagan County Underground Water 
Conservation District.

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

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(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 13. EXPIRATION. If creation of the district is not confirmed before the fifth anniversary of the effective date of this Act, this Act expires.

SECTION 14. EXEMPTION FROM ACT. (a) This Act shall not apply to any lands which have been annexed into the Glasscock County Underground Water Conservation District pursuant to Section 51.714 et seq., Water Code, prior to the effective date of this Act.
(b) Within one year of the effective date of this Act, a landowner may petition for exclusion of lands from the district. The petition shall be granted if:
(1) within one calendar year from the effective date of this Act, the owner of land within the district files with the board a petition requesting that the owner's land be excluded from the district. The petition must describe the land by legal description or by metes and bounds or by lot and block number if there is a recorded plat of the area to be excluded from the district. This petition must be signed and notarized by the owner of the land,
(2) the petition conforms to Subdivision (1) of this subsection. The board shall accept the petition immediately and shall grant exclusion of the land described in the petition,
(c) A petition that is granted excluding land from the district shall be filed of record in the office of the county clerk of Reagan County, Texas.
(d) During the one-year period, the district shall not incur any indebtedness nor have any bonds, notes, or other obligations outstanding or payable in whole or in part, issued or unissued, for which the excluded lands shall be liable.

SECTION 15. 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
April 27, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1634, 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.

Lyon, Vice-Chairman
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
April 11, 1989

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

In Re: Senate Bill No. 1634
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1634 (relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, PA

71FSB1634
STATE OF TEXAS
COUNTY OF REAGAN

Before me, the undersigned authority, on this day personally appeared David Werst, the Editor/Owner of the Big Lake Wildcat, a newspaper having general circulation in Reagan County, Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit: Feb. 23 & March 2, 1989.

[Signature]
Notary Public in and for
Reagan County, Texas.

Subscribed and sworn to before me this the 15th day of March, 1989 to certify which witness my hand and seal of office.
REQUEST FOR BIDS ON TEXAS HIGHWAY CONSTRUCTION

Sealed proposals for constructing 187,079 miles of seal coat on various limits of US 90, US 67, IH 10, US 277, SH 41, SH 55, US 190, SH 137, RM 334, RM 2083, RM 2596, FM 1908, RM 2804, RM 1973 & FM 3199 in Val Verde, Reagan, Irion, Crockett, Edwards, Real, Schleicher & Kinney Counties covered by CPM 22-6-38, CPM 22-7-21, CPM 77-1-16, CPM 77-2-23, CPM 77-3-25, CPM 141-1-36, CPM 160-6-19, CPM 160-7-24, CPM 201-5-15, CPM 201-6-19, CPM 234-1-11, CPM 234-2-20, CPM 396-3-18, CPM 558-9-21, CPM 876-2-25, CPM 1280-3-8, CPM 1644-3-10, CPM 1814-1-7, CPM 2752-1-4, CPM 2969-1-9 & CPM 3299-1-3 will be received at the State Department of Highways and Public Transportation, Austin, until 1:00 P.M., March 7, 1989, and then publicly opened and read.

Plans and specifications including minimum wage rates as provided by Law are available for inspection at the office of Robert C. Parker, Resident Engineer, Del Rio, Texas, and at the State Department of Highways and Public Transportation, Austin, Texas. Bidding proposals are to be requested from the Construction Division, D. C. Greer State Highway Building, 11th and Brazos Streets, Austin, Texas 78701. Plans are available through commercial printers in Austin, Texas, at the expense of the bidder. Usual rights reserved.

PUBLIC NOTICE

Legislation will be introduced in the 71st Regular Session of the Texas Legislature relating to the creation, administration, powers, eminent domain powers, duties, operations, fiscal procedures, and taxing authority of Reagan County Underground Water Conservation District.
Sir:

We, your Committee on NATURAL RESOURCES to which was referred SB 1634 by Sims have on April 26, 1989, had the same under consideration and I am instructed to report it back with the recommendation(s) that it
do pass as substituted, and be printed ( ) the caption changed with adoption of the substitute
( ) do pass as substituted, 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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COMMITTEE CLERK  CHAIRMAN

Paper clip the original and one copy of this form along with TWO copies of the Committee Substitute to the original bill and retain one copy for Reporting Committee file.
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 1634, by: Sims,
was heard by the Committee on Natural Resources on 4-26, 1989
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

[Signature]
Clerk of the reporting committee

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.
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, including eminent domain, duties, operation, and financing, including the authority to issue bonds and to tax, of the Reagan County Underground Water Conservation District.

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S.B. No. 1634

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(b) On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. Directors elected from district precincts 2 and 4 shall each serve two-year terms and directors elected from district precincts 1 and 3 and the district at large shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

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(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 13. EXPIRATION. If creation of the district is not confirmed before the fifth anniversary of the effective date of this Act, this Act expires.

SECTION 14. EXEMPTION FROM ACT. (a) This Act shall not apply to any lands which have been annexed into the Glasscock County Underground Water Conservation District pursuant to Section 51.714 et seq., Water Code, prior to the effective date of this Act.

(b) Within one year of the effective date of this Act, a landowner may petition for exclusion of lands from the district. The petition shall be granted if:

(1) within one calendar year from the effective date of this Act, the owner of land within the district files with the board a petition requesting that the owner's land be excluded from the district. The petition must describe the land by legal description or by metes and bounds or by lot and block number if there is a recorded plat of the area to be excluded from the district. This petition must be signed and notarized by the owner of the land.

(2) the petition conforms to Subdivision (1) of this subsection. The board shall accept the petition immediately and shall grant exclusion of the land described in the petition.

(c) A petition that is granted excluding land from the district shall be filed of record in the office of the county clerk of Reagan County, Texas.
(d) During the one-year period, the district shall not incur any indebtedness nor have any bonds, notes, or other obligations outstanding or payable in whole or in part, issued or unissued, for which the excluded lands shall be liable.

SECTION 15. 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.
TO: Honorable H. Tati Santiesteban, Chairman
    Committee on Natural Resources
    Senate Chamber
    Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1634 (relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, LV
TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1634 (relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, PA
STATE OF TEXAS
COUNTY OF REAGAN

Before me, the undersigned authority, on this day personally appeared David Werst, the Editor/Owner of the Big Lake Wildcat, a newspaper having general circulation in Reagan County, Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit: Feb. 23 & March 2, 1989.

Subscribed and sworn to before me this the 15th day of March, 1989 to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for
Reagan County, Texas.
REQUEST FOR BIDS ON TEXAS HIGHWAY CONSTRUCTION

Sealed proposals for constructing 187.079 miles of seal coat on various limits of US 90, US 67, IH 10, US 277, SH 41, SH 55, US 190, SH 137, RM 334, RM 2083, RM 2596, FM 1908, RM 2804, RM 1973 & FM 3199 in Val Verde, Reagan, Irion, Crockett, Edwards, Real, Schleicher & Kinney Counties covered by CPM 22-6-38, CPM 22-7-21, CPM 77-1-16, CPM 77-2-23, CPM 77-3-25, CPM 141-1-36, CPM 150-6-19, CPM 160-7-24, CPM 201-5-15, CPM 201-6-19, CPM 234-1-11, CPM 234-2-20, CPM 396-3-18, CPM 558-9-21, CPM 876-2-25, CPM 1280-3-8, CPM 1644-3-10, CPM 1814-1-7, CPM 2752-1-4, CPM 2969-1-9 & CPM 3299-1-3 will be received at the State Department of Highways and Public Transportation, Austin, until 1:00 P.M., March 7, 1989, and then publicly opened and read.

Plans and specifications including minimum wage rates as provided by Law are available for inspection at the office of Robert C. Parker, Resident Engineer, Del Rio, Texas, and at the State Department of Highways and Public Transportation, Austin, Texas. Bidding proposals are to be requested from the Construction Division, D. C. Greer State Highway Building, 11th and Brazos Streets, Austin, Texas 78701. Plans are available through commercial printers in Austin, Texas, at the expense of the bidder.

Usual rights reserved.

PUBLIC NOTICE

Legislation will be introduced in the 71st Regular Session of the Texas Legislature relating to the creation, administration, powers, eminent domain powers, duties, operations, fiscal procedures, and taxing authority of Reagan County Underground Water Conservation District.
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Santa Rita 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 Santa Rita Underground Water Conservation District, is created in Reagan 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 Santa Rita Underground Water Conservation District.

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

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the right of the district to levy and collect taxes, or the legality or operation of the
district or its governing body.

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. A director must be 18 years of age or older.

(b) The temporary directors who become the initial permanent directors serve until permanent directors are elected under Section 10.

(c) Permanent directors other than first-elected permanent directors serve staggered four-year terms.

(d) Each director must qualify to serve as director in the
manner provided by Sections 51.078 and 51.079, Water Code.

(e) A director serves until the director's successor has
qualified.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
directors is composed of:

(1) Precinct 1--Joe Dean Weatherby
(2) Precinct 2--Norman Guess
(3) Precinct 3--Mark Henderson
(4) Precinct 4--James Walter Mathews II
(5) At-large--John Agee

(b) If a temporary director fails to qualify for office, the
temporary directors who have qualified shall appoint a person to
fill the vacancy. If at any time there are fewer than three
qualified temporary directors, the Texas Water Commission shall
appoint the necessary number of persons to fill all vacancies on
the board.

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

(b) If the district is created at the confirmation election,
the temporary directors, at the time the vote is canvassed, become
the initial permanent directors of the district.

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

(d) Except as provided by this section, a confirmation
election must be conducted as provided by Sections 52.058(b)-(g),
SECTION 10. ELECTION OF DIRECTORS. (a) One director shall be elected from each county commissioners precinct and one director shall be elected at large.

(b) On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. Directors elected from district precincts 2 and 4 shall each serve two-year terms and directors elected from district precincts 1 and 3 and the district at large shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

(c) A person elected from a commissioner precinct must be a resident of that precinct.

SECTION 11. ADDITIONAL AUTHORITY. (a) Each director is entitled to receive for his services $25 a month in compensation and may be reimbursed for actual expenses incurred in the performance of official duties. Those expenses must be reported in the district's minutes book or district records and must be approved by the board.

(b) The district, through the members of its board or its general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit application for an injection well to be located within the district.

(c) The ownership and rights of the owner of land, the owner's lessees, and assigns in underground and any surface water
rights are recognized, and this Act does not deprive or divest the
owner, the owner's lessees, and assigns of those ownership rights.

(d) 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 those purposes.

(e) The district may not enter into any contract or engage
in any action to supply underground water inside or outside the
district.

SECTION 12. 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 13. EXPIRATION. If creation of the district is not
confirmed before the fifth anniversary of the effective date of
this Act, this Act expires.
SECTION 14. EXEMPTION FROM ACT. This Act shall not apply to
the following lands within the district:

(a) Any lands which have been annexed into the Glasscock
County Underground Water Conservation District pursuant to Section
51.714 et seq., Texas Water Code, as amended, prior to the
effective date of this Act.

(b) Within one year of the effective date of this Act, a
landowner who owns land within a delineated critical area pursuant
to Sec. 52.053 of the Texas Water Code, as amended, may petition
for exclusion of lands from the district and such petition shall be
granted if the following requirements are met:

(1) Within one calendar year from the effective date
of this Act, the owner of land who owns land with a delineated
critical area pursuant to Sec. 52.053 of the Texas Water Code, as
amended and whose lands are within the district may file with the
board a petition requesting that the owner's land be excluded from
the district. The petition must describe by legal description or
by metes and bounds or by lot and block number if there is a
recorded plat of the area to be excluded from the district. This
petition must be signed and notarized by the owner of the land.

(2) The board shall accept the petition immediately
and shall grant exclusion of the land described in the petition,
the only requirement for review by the board being that of
conformity to subparagraph (b) (1) above.

(3) A petition that is granted excluding land from the
district shall be filed of record in the office of the county clerk
of Reagan County, Texas.
(4) During such one year period, the district shall not incur any indebtedness nor have any bonds, notes or other obligations outstanding or payable in whole or in part, issued or unissued, for which the excluded lands shall be liable.

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

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 1634 have had the same under consideration and beg to report
(measure)

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. ( ) yes ( ) no

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

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

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

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

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

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

House Sponsor of Senate Measure
Fraser

The measure was reported from Committee by the following vote:

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Total
8 aye
0 nay
0 present, not voting
1 absent

CHAIRMAN
Deborah K. Wall

COMMITTEE COORDINATOR
BILL ANALYSIS

Background

It is believed that creation of the Santa Rita Underground Water Conservation District would be of benefit to the residents of the area.

Purpose of the Bill

This bill creates the district and provides for its operations.

Section by Section Analysis

Section 1. Creates the district.
Section 2. Definition.
Section 3. Includes all territory in Reagan County in the district.
Section 4. Finding of closure.
Section 5. 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, subject to commission supervision.
Section 7. Provides for a five member board of directors serving staggered four year terms; provides for other conditions and qualifications of service on the board.
Section 8. Names the temporary board and provides for the filling of vacancies.
Section 9. Provides for procedures for a district confirmation and initial directors' election.
Section 10. Provides for election by commissioners precinct except for one director elected at large. Provides for the time of directors' elections.
Section 11. Provides for additional authority for the district including payment of certain expenses of the directors; the right to appear in injection well permit hearings, and the authority to pay costs associated with district creation. The district is prohibited from contracting to supply underground water. Ownership rights are recognized.
Section 12. Findings of compliance with procedural requirements.
Section 13. Provides that this Act expires if the district is not approved within five years.

Section 14. Exempts certain lands annexed to another district or within a designated critical area from inclusion in the district. Provides a one-year period for petition by landowners in critical areas for exclusion. Prohibits incurring of bond debt by the district for one year.

Section 15. 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.

Comparison of Substitute to Original

The substitute renames the district, and adds provision for the exclusion of certain lands form the district.

Summary of Committee Action

The posting rules were suspended on May 10, 1989 to allow the committee to take SB 1634 in public hearing on that day.

SB 1634 was considered in public hearing on May 10, 1989. Representative Fraser introduced the bill. Representative Junell offered a complete substitute to the bill. The substitute was adopted without objection. There were no witnesses on the bill. The motion to report SB 1634 to the full House favorably, as substituted, for placement on the consent calendar carried with a vote of 8 ayes, 0 nays, 0 PNV, and 1 absent.
TO: Honorable H. Tati Santiesteban, Chairman Committee on Natural Resources Senate Chamber Austin, Texas

In Re: Committee Substitute for Senate Bill No. 1634

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1634 (relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, LV
TO:  Honorable H. Tati Santiesteban, Chairman
     Committee on Natural Resources
     Senate Chamber
     Austin, Texas

FROM:  Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1634 (relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source:  LBB Staff:  JO, JWH, PA
May 10, 1989

Representative Terral Smith
Natural Resources Committee

Dear Chairman Smith:

Passage of Senate Bill 1634 would have no fiscal implications for units of local government.

Thank you for your time and consideration.

Sincerely,

Troy Fraser
State Representative

COMMITTEES: BUSINESS & COMMERCE, LABOR & EMPLOYMENT RELATIONS
The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1634) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Reagan County Underground Water Conservation District

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. 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 P. 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
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman, Senate Natural Resources Committee
Senator Bill Sims, State Senate

P. O. Box 13087 Capitol Station • 1700 North Congress Ave. • Austin, Texas 78711-3087 • Area Code 512/463-7830
April 19, 1989

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. (S.B. 1634) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Reagan 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
Water Development Policy Impact Statements for Senate Bill 1634 (S.B. 1634) relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District follow.

Wells located within the limits of this proposed district which encompasses all of Reagan County, primarily utilize the Edwards-Trinity (Plateau) aquifer which includes the Edwards and associated limestones and the Trinity Antlers Formation. Additionally, ground water is locally present in overlying alluvial gravels. Ground waters of more highly mineralized content are also found in the underlying Santa Rosa aquifer which is in hydrologic continuity with the overlying Antlers Formation. Available data do not indicate that there is hydrogeologic justification for the proposed district boundaries. The northern portion of this county lies within an area being studied in the critical area process.

S.B. 1634 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's boundaries are coterminous with the boundaries of Reagan County. The Board's current projected population for Reagan County indicates an anticipated increase in population ranging from 1,245 to 1,322 over the next 20 years.

2) **District finances** - 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, all of which must be at least 18 years of age or older. The bill provides for and describes three sets of board of directors. These are a temporary board, an initial permanent board, and the final permanent board. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. The temporary board shall call and hold a confirmation election. If the district is created at this election, the temporary directors at the time the vote is canvassed, become the initial permanent directors and they serve until the permanent directors are elected. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.058(b) - (g), Texas Water Code, and the Election Code. On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of the permanent directors. One director shall be elected from each county commissioners precinct and one director shall be elected from the county at large. A person

[Signature]
elected from a precinct must be a resident of that precinct. Directors elected the district precincts 2 and 4 shall serve two-year terms and directors from precincts 1 and 3 as well as the district at large, shall serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

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.

Additional authority is specifically set out related to director compensation and the payment of all costs and expenses incurred in the creation and organization of the district; ownership rights to land, underground, and surface water are recognized; the right of the board or its general manager to appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit for an injection well to be located within the district; and a prohibition of district to enter into any contract or engage in any action to supply underground water, inside or outside the district.

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 promoting more efficient use of groundwater resources through local groundwater management.

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 Reagan County, therefore, the boundary description is adequate.

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.
A BILL TO BE ENTITLED
AN ACT
relating to the creation, administration, powers, duties,
operation, and financing of the Santa Rita Underground Water
Conservation District, including the authority of eminent
domain and authority to levy and assess taxes.
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 Santa Rita Underground Water
Conservation District, is created in Reagan 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

(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
Santa Rita Underground Water Conservation District.

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

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries and field notes of the district form a
closure. A mistake in the field notes or in copying the field
notes in the legislative process does not affect the organization,
existence, or validity of the district, the right of the district
to levy and collect taxes, or the legality or operation of the
district or its governing body.

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. A director must be 18 years of age or older.

(b) The temporary directors who become the initial permanent directors serve until permanent directors are elected under Section 10 of this Act.

(c) Permanent directors other than first-elected permanent directors serve staggered four-year terms.

(d) Each director must qualify to serve as director in the
manner provided by Sections 51.078 and 51.079, Water Code.

(e) A director serves until the director’s successor has qualified.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

(1) Precinct 1--Joe Dean Weatherby
(2) Precinct 2--Norman Guess
(3) Precinct 3--Mark Henderson
(4) Precinct 4--James Walter Mathews II
(5) At-large--John Agee

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

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

(b) If the district is created at the confirmation election, the temporary directors, at the time the vote is canvassed, become the initial permanent directors of the district.

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

(d) 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. ELECTION OF DIRECTORS. (a) One director shall be elected from each county commissioners' precinct and one director shall be elected at large.

(b) On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. Directors elected from district precincts 2 and 4 shall each serve two-year terms and directors elected from district precincts 1 and 3 and the district at large shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

(c) A person elected from a commissioner precinct must be a resident of that precinct.

SECTION 11. ADDITIONAL AUTHORITY. (a) Each director is entitled to receive for his services $25 a month in compensation and may be reimbursed for actual expenses incurred in the performance of official duties. Those expenses must be reported in the district's minutes book or district records and must be approved by the board.

(b) The district, through the members of its board or its general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit application for an injection well to be located within the district.

(c) The ownership and rights of the owner of land, the owner's lessees, and assigns in underground and any surface water
rights are recognized, and this Act does not deprive or divest the
owner, the owner's lessees, and assigns of those ownership rights.

(d) 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 those purposes.

(e) The district may not enter into any contract or engage
in any action to supply underground water inside or outside the
district.

SECTION 12. 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 13. EXPIRATION. If creation of the district is not
confirmed before the fifth anniversary of the effective date of
this Act, this Act expires.
SECTION 14. EXEMPTION FROM ACT. This Act shall not apply to the following lands within the district:

(a) Any lands which have been annexed into the Glasscock County Underground Water Conservation District pursuant to Section 51.714 et seq., Texas Water Code, as amended, prior to the effective date of this Act.

(b) Within one year of the effective date of this Act, a landowner who owns land within a delineated critical area pursuant to Sec. 52.053 of the Texas Water Code, as amended, may petition for exclusion of lands from the district and such petition shall be granted if the following requirements are met:

(1) Within one calendar year from the effective date of this Act, the owner of land who owns land with a delineated critical area pursuant to Sec. 52.053 of the Texas Water Code, as amended and whose lands are within the district may file with the board a petition requesting that the owner's land be excluded from the district. The petition must describe, by legal description or by metes and bounds or by lot and block number if there is a recorded plat of the area to be excluded from the district. This petition must be signed and notarized by the owner of the land.

(2) The board shall accept the petition immediately and shall grant exclusion of the land described in the petition, the only requirement for review by the board being that of
 conformity to subsection (b) of this subsection.

(3) A petition that is granted excluding land from
the district shall be filed of record in the office of the county
clerk of Reagan County, Texas.

(4) During such one-year period, the district shall
not incur any indebtedness nor have any bonds, notes, or other
obligations outstanding or payable in whole or in part, issued or
unissued, for which the excluded lands shall be liable.

SECTION 15. 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.
S.B. No. 1634

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Santa Rita Underground Water Conservation District, including the authority of eminent domain and authority to tax and issue bonds.

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 Santa Rita Underground Water Conservation District, is created in Reagan 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 Santa Rita Underground Water Conservation District.

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

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the right of the district to levy and collect taxes, or the legality or operation of the
district or its governing body.

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. A director must be 18 years of age or older.

(b) The temporary directors who become the initial permanent directors serve until permanent directors are elected under Section 10 of this Act.

(c) Permanent directors other than first-elected permanent directors serve staggered four-year terms.
(d) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(e) A director serves until the director's successor has qualified.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

(1) Precinct 1--Joe Dean Weatherby
(2) Precinct 2--Norman Guess
(3) Precinct 3--Mark Henderson
(4) Precinct 4--James Walter Mathews II
(5) At large--John Agee

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

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

(b) If the district is created at the confirmation election, the temporary directors, at the time the vote is canvassed, become the initial permanent directors of the district.

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

(d) Except as provided by this section, a confirmation
S.B. No. 1634

election must be conducted as provided by Subsections (b) through
(g), Section 52.058, Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. (a) One director shall
be elected from each county commissioner precinct and one director
shall be elected at large.

(b) On the first Saturday in May of the second year after
the year in which the district is authorized to be created at a
confirmation election, an election shall be held in the district
for the election of directors. Directors elected from district
precincts 2 and 4 shall each serve two-year terms and directors
elected from district precincts 1 and 3 and the district at large
shall each serve four-year terms. Thereafter, on the same date in
each subsequent second year, the appropriate number of directors
shall be elected to the board.

(c) A person elected from a commissioner precinct must be a
resident of that precinct.

SECTION 11. ADDITIONAL AUTHORITY. (a) Each director is
entitled to receive for his services $25 a month in compensation
and may be reimbursed for actual expenses incurred in the
performance of official duties. Those expenses must be reported in
the district's minute book or district records and must be approved
by the board.

(b) The district, through the members of its board or its
general manager, may appear before the Railroad Commission of Texas
and present evidence and information relating to any pending permit
application for an injection well to be located within the
district.

(c) The ownership and rights of the owner of land, the owner's lessees, and assigns in underground and any surface water rights are recognized, and this Act does not deprive or divest the owner, the owner's lessees, and assigns of those ownership rights.

(d) 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 those purposes.

(e) The district may not enter into any contract or engage in any action to supply underground water inside or outside the district.

SECTION 12. 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 13. EXPIRATION. If creation of the district is not confirmed before the fifth anniversary of the effective date of this Act, this Act expires.

SECTION 14. EXEMPTION FROM ACT. (a) This Act shall not apply to any lands which have been annexed into the Glasscock County Underground Water Conservation District pursuant to Section 51.714 et seq., Water Code, prior to the effective date of this Act.

(b) Within one year of the effective date of this Act, a landowner who owns land within a delineated critical area pursuant to Section 52.053, Water Code, may petition for exclusion of lands from the district and such petition shall be granted if the following requirements are met:

(1) Within one calendar year from the effective date of this Act, the owner of land who owns land with a delineated critical area pursuant to Section 52.053, Water Code, and whose lands are within the district may file with the board a petition requesting that the owner's land be excluded from the district. The petition must describe the land by legal description or by metes and bounds or by lot and block number if there is a recorded plat of the area to be excluded from the district. This petition must be signed and notarized by the owner of the land.

(2) The board shall accept the petition immediately and shall grant exclusion of the land described in the petition, the only requirement for review by the board being that of
conformity to Subdivision (1) of this subsection.

(3) A petition that is granted excluding land from the
district shall be filed of record in the office of the county clerk
of Reagan County, Texas.

(4) During the one-year period, the district shall not
incur any indebtedness nor have any bonds, notes, or other
obligations outstanding or payable in whole or in part, issued or
unissued, for which the excluded lands shall be liable.

SECTION 15. 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.
S.B. No. 1634

President of the Senate

I hereby certify that S.B. No. 1634 passed the Senate on May 4, 1989, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 24, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1634 passed the House, with amendment, on May 22, 1989, by the following vote: Yeas 141, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor
May 10, 1989

Representative Terral Smith
Natural Resources Committee

Dear Chairman Smith:

Passage of Senate Bill 1634 would have no fiscal implications for units of local government.

Thank you for your time and consideration.

Sincerely,

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

In Re: Committee Substitute for Senate Bill No. 1634

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1634 (relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, LV
The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1634) - Proposed creation of a conservation and reclamation district pursuant to Article III, 552 and Article XVI, 559(d), Texas Constitution: Reagan County Underground Water Conservation District

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. 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 P. 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
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate
TEXAS WATER COMMISSION

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

April 19, 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. (S.B. 1634) - Proposed creation of a conservation and reclamation district pursuant to Article III, SS2 and Article XVI, SS9(d), Texas Constitution: Reagan 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
TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD

COMMENTS RELATING TO THE REAGAN COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for Senate Bill 1634 (S.B. 1634) relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District follow.

Wells located within the limits of this proposed district which encompasses all of Reagan County, primarily utilize the Edwards-Trinity (Plateau) aquifer which includes the Edwards and associated limestones and the Trinity Antlers Formation. Additionally, ground water is locally present in overlying alluvial gravels. Ground waters of more highly mineralized content are also found in the underlying Santa Rosa aquifer which is in hydrologic continuity with the overlying Antlers Formation. Available data do not indicate that there is hydrogeologic justification for the proposed district boundaries. The northern portion of this county lies within an area being studied in the critical area process.

S.B. 1634 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's boundaries are coterminous with the boundaries of Reagan County. The Board's current projected population for Reagan County indicates an anticipated increase in population ranging from 1,245 to 1,322 over the next 20 years.

2) District finances - 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, all of which must be at least 18 years of age or older. The bill provides for and describes three sets of board of directors. These are a temporary board, an initial permanent board, and the final permanent board. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. The temporary board shall call and hold a confirmation election. If the district is created at this election, the temporary directors at the time the vote is canvassed, become the initial permanent directors and they serve until the permanent directors are elected. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.058(b) - (g), Texas Water Code, and the Election Code. On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of the permanent directors. One director shall be elected from each county commissioners precinct and one director shall be elected from the county at large. A person
elected from a precinct must be a resident of that precinct. Directors elected the district precincts 2 and 4 shall serve two-year terms and directors from precincts 1 and 3 as well as the district at large, shall serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

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.

Additional authority is specifically set out related to director compensation and the payment of all costs and expenses incurred in the creation and organization of the district; ownership rights to land, underground, and surface water are recognized; the right of the board or its general manager to appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit for an injection well to be located within the district; and a prohibition of district to enter into any contract or engage in any action to supply underground water, inside or outside the district.

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 promoting more efficient use of groundwater resources through local groundwater management.

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 Reagan County, therefore, the boundary description is adequate.

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

In Re: Senate Bill No. 1634  
By: Sims  

FROM: Jim Oliver, Director  

In response to your request for a Fiscal Note on Senate Bill No. 1634 (relating to the creation, administration, powers, duties, operation, and financing of the Reagan County Underground Water Conservation District) this office has determined the following:  

No fiscal implication to the State is anticipated.  

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

Source: LBB Staff: JO, JWH, PA
STATE OF TEXAS
COUNTY OF REAGAN

Before me, the undersigned authority, on this day personally appeared David Werst, the Editor/Owner of the Big Lake Wildcat, a newspaper having general circulation in Reagan County, Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit: Feb. 23 & March 2, 1989.

[Signature]

Subscribed and sworn to before me this the 15th day of March, 1989 to certify which witness my hand and seal of office.

[Signature]

Notary Public in and for Reagan County, Texas.
REQUEST FOR BIDS ON TEXAS HIGHWAY CONSTRUCTION

Sealed proposals for constructing 187.079 miles of seal coat on various limits of US 90, US 67, IH 10, US 277, SH 41, SH 55, US 190, SH 137, RM 334, RM 2083, RM 2596, FM 1908, RM 2804, RM 1973 & FM 3199 in Val Verde, Reagan, Irion, Crockett, Edwards, Real, Schleicher & Kinney Counties covered by CPM 22-6-38, CPM 22-7-21, CPM 77-1-16, CPM 77-2-23, CPM 77-3-25, CPM 141-1-36, CPM 160-6-19, CPM 160-7-24, CPM 201-5-15, CPM 201-6-19, CPM 234-1-11, CPM 234-2-20, CPM 396-3-18, CPM 558-9-21, CPM 876-2-25, CPM 1280-3-8, CPM 1644-3-10, CPM 1814-1-7, CPM 2752-1-4, CPM 2969-1-9 & CPM 3299-1-3 will be received at the State Department of Highways and Public Transportation, Austin, until 1:00 P.M., March 7, 1989, and then publicly opened and read.

Plans and specifications including minimum wage rates as provided by law are available for inspection at the office of Robert C. Parker, Resident Engineer, Del Rio, Texas, and at the State Department of Highways and Public Transportation, Austin, Texas. Bidding proposals are to be requested from the Construction Division, D. C. Greer State Highway Building, 11th and Brazos Streets, Austin, Texas 78701. Plans are available through commercial printers in Austin, Texas, at the expense of the bidder.

Usual rights reserved.

PUBLIC NOTICE

Legislation will be introduced in the 71st Regular Session of the Texas Legislature relating to the creation, administration, powers, eminent domain powers, duties, operations, fiscal procedures, and taxing authority of Reagan County Underground Water Conservation District.
President of the Senate

I hereby certify that S.B. No. 1634 (1) passed the Senate on May 24 (2), 1989, by the following vote:
Yews 31 (3), Nays 0 (4); and that the Senate concurred in House amendment on May 24 (5), 1989, by the following vote: Yews 31 (6), Nays 0 (7).

Secretary of the Senate

I hereby certify that S.B. No. 1634 (1) passed the House, with amendment, on May 23 (8), 1989, by the following vote: Yews 14 (9), Nays 1 (10), one present.

Chief Clerk of the House

Approved:

Date

Governor
A BILL TO BE ENTITLED

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

Filed with the Secretary of the Senate

APR 4 1989
Read and referred to Committee on NATURAL RESOURCES

APR 27 1989
Reported favorably

APR 27 1989
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 4 1989
Ordered not printed

MAY 4 1989
Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: unanimous consent _______ yeas, _______ nays

MAY 4 1989
Read second time, _______ , and ordered engrossed by: unanimous consent _______ yeas, _______ nays

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

MAY 4 1989
Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nays.

MAY 4 1989
Read third time, _______ , and passed by 31 yeas, 0 nays.

SECRETARY OF THE SENATE

OTHER ACTION:

MAY 4, 1989
Engrossed

MAY 5, 1989
Sent to House

Engrossing Clerk

MAY 5 1989
Received from the Senate

MAY 8 1989
Read first time ad referred to Committee on

MAY 10, 1989
Reported favorably amended, sent to Printer at 2:00 pm

MAY 16 1989
Printed and Distributed 11:41 AM

MAY 16 1989
Sent to Committee on Calendars 3:46 PM

MAY 22 1989
Read Second time (amended); passed to third reading (failed)

by Non-Record Vote _______ 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.

MAY 22 1989
Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of _______ yeas, _______ nays present not voting.

MAY 22 1989
Caption ordered amended to conform to body of bill.

MAY 23 1989
Returned to Senate

CHIEF CLERK OF THE HOUSE

MAY 23 1989
Returned from House without amendment.

MAY 24 1989
Returned from House with ______ amendments.

MAY 24 1989
Concurred in House amendments by a viva voce vote 31 yeas, 0 nays.
Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

Senate conferees instructed.

Senate conferees appointed: ________________________, Chairman; ________________________, __________.

House granted Senate request. House conferees appointed: ________________________, Chairman;

Conference Committee Report read and filed with the Secretary of the Senate.

Conference Committee Report adopted on the part of the House by:

\{ a viva voce vote \}
\{ ______ yeas, ______ nays \}

Conference Committee Report adopted on the part of the Senate by:

\{ a viva voce vote \}
\{ ______ yeas, ______ nays \}

OTHER ACTION:

Recommitted to Conference Committee

Conferees discharged.

Conference Committee Report failed of adoption by:

\{ a viva voce vote \}
\{ ______ yeas, ______ nays \}