

By Pims

J. B. No. 1634

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Reagan County Underground Water
4 Conservation District.

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

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

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

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

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

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

1 district or its governing body.

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

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

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

19 SECTION 7. BOARD OF DIRECTORS. (a) The district is
20 governed by a board of five directors. A director must be 18 years
21 of age or older.

22 (b) The temporary directors who become the initial permanent
23 directors serve until permanent directors are elected under Section
24 10.

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

27 (d) Each director must qualify to serve as director in the

1 manner provided by Sections 51.078 and 51.079, Water Code.

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

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

6 (1) Precinct 1--Joe Dean Weatherby

7 (2) Precinct 2--Norman Guess

8 (3) Precinct 3--Stephen Marcus

9 (4) Precinct 4--James Walter Mathews II

10 (5) At-large--John Agee

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

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

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

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

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

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

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

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

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

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

26 (c) The ownership and rights of the owner of land, the
27 owner's lessees, and assigns in underground and any surface water

1 rights are recognized, and this Act does not deprive or divest the
2 owner, the owner's lessees, and assigns of those ownership rights.

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4 necessarily incurred in the creation and organization of the
5 district, legal fees, and other incidental expenses and may
6 reimburse any person for money advanced for those purposes.

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8 in any action to supply underground water inside or outside the
9 district.

10 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

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

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

1 By: Sims S.B. No. 1634
 2 (In the Senate - Filed April 4, 1989; April 4, 1989, read
 3 first time and referred to Committee on Natural Resources;
 4 April 27, 1989, reported adversely, with favorable Committee
 5 Substitute by the following vote: Yeas 6, Nays 0; April 27, 1989,
 6 sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Santiesteban				x
9 Lyon	x			
10 Armbrister	x			
11 Bivins	x			
12 Brown				x
13 Carriker				x
14 Montford	x			
15 Ratliff				x
16 Sims	x			
17 Uribe				x
18 Zaffirini	x			

20 COMMITTEE SUBSTITUTE FOR S.B. No. 1634

By: Sims

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69 in any action to supply underground water inside or outside the
70 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 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

APR 12 REG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

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.

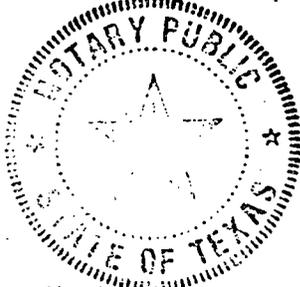
Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

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



David Werst

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

Jerry Page
Notary Public in and for

Reagan County, Texas.

PUBLIC NOTICE

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.

SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

27
4-26-89 / 2:17
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
SB 1634 by Sims have on APRIL 26, 1989, had the same
(measure) (sponsor) (hearing date)

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 remained the same as original measure
 - 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:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman				<input checked="" type="checkbox"/>
Lyon, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Bivins	<input checked="" type="checkbox"/>			
Brown				<input checked="" type="checkbox"/>
Carriker				<input checked="" type="checkbox"/>
Montford	<input checked="" type="checkbox"/>			
Ratliff				<input checked="" type="checkbox"/>
Sims	<input checked="" type="checkbox"/>			
Uribe	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
TOTAL VOTES	6			5

James M. Klement
COMMITTEE CLERK

[Signature]
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.


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.

May 4, 1989 Engrossed

Lacey Daw
Engrossing Clerk

I certify that the attached is a true and correct copy of SB 1634 which was received from the Senate on 5-5-89 and referred to the Committee on Natural Resources
Debra M...
Chief Clerk of the House

1989 MAY -9 PM 3:13

HOUSE OF REPRESENTATIVES

By: Sims

S.B. No. 1634

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.

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.

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

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

1 and accomplished.

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

5 SECTION 14. EXEMPTION FROM ACT. (a) This Act shall not
6 apply to any lands which have been annexed into the Glasscock
7 County Underground Water Conservation District pursuant to Section
8 51.714 et seq., Water Code, prior to the effective date of this
9 Act.

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

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

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

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

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

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 1, 1989

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

APR 12 REC 5

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

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.

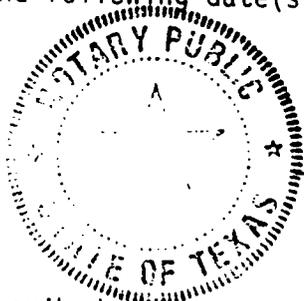
Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

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



David Werst

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.

PUBLIC NOTICE

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.

HOUSE COMMITTEE REPORT

1st Printing

91 MAY 15 AM 11:41
HOUSE OF REPRESENTATIVES

By Sims
(Fraser)

S.B. No. 1634

Substitute the following for S.B. No. 1634:

By Junell

C.S.S.B. No. 1634

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Santa Rita Underground Water
4 Conservation District.

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

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

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

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

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

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

1 district or its governing body.

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

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

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

19 SECTION 7. BOARD OF DIRECTORS. (a) The district is
20 governed by a board of five directors. A director must be 18 years
21 of age or older.

22 (b) The temporary directors who become the initial permanent
23 directors serve until permanent directors are elected under Section
24 10.

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

27 (d) Each director must qualify to serve as director in the

1 manner provided by Sections 51.078 and 51.079, Water Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (c) The ownership and rights of the owner of land, the
27 owner's lessees, and assigns in underground and any surface water

1 rights are recognized, and this Act does not deprive or divest the
2 owner, the owner's lessees, and assigns of those ownership rights.

3 (d) The district's directors may pay all costs and expenses
4 necessarily incurred in the creation and organization of the
5 district, legal fees, and other incidental expenses and may
6 reimburse any person for money advanced for those purposes.

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

10 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

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

1 SECTION 14. EXEMPTION FROM ACT. This Act shall not apply to
2 the following lands within the district:

3 (a) Any lands which have been annexed into the Glasscock
4 County Underground Water Conservation District pursuant to Section
5 51.714 et seq., Texas Water Code, as amended, prior to the
6 effective date of this Act.

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

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

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

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

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

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

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 10, 1989
(date)

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:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Willy, V.C.	X			
Collazo, C.B.O.	X			
Culberson				X
Holzheuser	X			
Junell	X			
Swift	X			
Wentworth	X			
Yost	X			

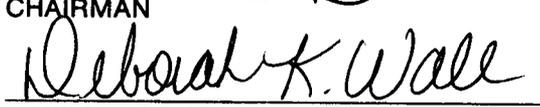
Total

8 aye

0 nay

0 present, not voting

1 absent


 CHAIRMAN

 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 from 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 1, 1989

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

APR 12 REG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

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



TROY FRASER
TEXAS HOUSE OF REPRESENTATIVES

P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
512-463-0688

208 W. 3RD
BIG SPRING, TEXAS 79720
915-263-1307

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,

A handwritten signature in cursive script that reads "Troy Fraser".

Troy Fraser
State Representative

6

COMMITTEES: BUSINESS & COMMERCE • LABOR & EMPLOYMENT RELATIONS

TEXAS WATER COMMISSION

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



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

April 19, 1989

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,

A handwritten signature in cursive script that reads "Allen Beinke".

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

7

TEXAS WATER COMMISSION

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



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

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,

A handwritten signature in cursive script that reads "Allen Beinke".

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.

ADOPTED

MAY 22 1989

Betsy Murray
Chief Clerk
House of Representatives

S.B. No. 1634

By Sims

Substitute the following for S.B. No. 1634

By *J. Russell*

C.S.S.B. No. 1634

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Santa Rita Underground Water
4 Conservation District, *including the authority of eminent domain and authority to pay and issue bonds.*

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

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

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

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

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

19 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
20 finds that the boundaries and field notes of the district form a
21 closure. A mistake in the field notes or in copying the field
22 notes in the legislative process does not affect the organization,
23 existence, or validity of the district, the right of the district
24 to levy and collect taxes, or the legality or operation of the ^{1/2}

phew *VBe*

1 district or its governing body.

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

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

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

19 SECTION 7. BOARD OF DIRECTORS. (a) The district is
20 governed by a board of five directors. A director must be 18 years
21 of age or older.

22 (b) The temporary directors who become the initial permanent
23 directors serve until permanent directors are elected under Section
24 10 of this Act

25 (c) Permanent directors other than first-elected permanent
26 directors serve staggered four-year terms. *2/3*

27 (d) Each director must qualify to serve as director in the

1 manner provided by Sections 51.078 and 51.079, Water Code.

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

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

6 (1) Precinct 1--Joe Dean Weatherby

7 (2) Precinct 2--Norman Guess

8 (3) Precinct 3--Mark Henderson

9 (4) Precinct 4--James Walter Mathews II

10 (5) At-large--John Agee

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

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

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

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

25 (d) Except as provided by this section, a confirmation ^{3/4}
26 election must be conducted as provided by *Subsections (b) through (g)* Sections 52.058(b)-(g),
27 Water Code, and the Election Code.

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

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

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

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

21 (b) The district, through the members of its board or its
22 general manager, may appear before the Railroad Commission of Texas
23 and present evidence and information relating to any pending permit
24 application for an injection well to be located within the ^{4/5}
25 district.

26 (c) The ownership and rights of the owner of land, the
27 owner's lessees, and assigns in underground and any surface water

1 rights are recognized, and this Act does not deprive or divest the
2 owner, the owner's lessees, and assigns of those ownership rights.

3 (d) The district's directors may pay all costs and expenses
4 necessarily incurred in the creation and organization of the
5 district, legal fees, and other incidental expenses and may
6 reimburse any person for money advanced for those purposes.

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

10 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

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

1 **SECTION 14. EXEMPTION FROM ACT.** ^(a) This Act shall not apply
2 to the following lands within the district;

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

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

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

22 (2) The board shall accept the petition immediately
23 and shall grant exclusion of the land described in the petition,
24 the only requirement for review by the board being that of

1 conformity to ^{Subdivision (1) of this subsection} ~~subparagraph (b) (1) above~~.

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

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

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

Enrolled May 24, 1989
Fatsy Daw
Enrolling Clerk

S.B. No. 1634

1 AN ACT

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

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

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

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

16 SECTION 2. DEFINITION. In this Act, "district" means the
17 Santa Rita Underground Water Conservation District.

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

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

1 district or its governing body.

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

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

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

19 SECTION 7. BOARD OF DIRECTORS. (a) The district is
20 governed by a board of five directors. A director must be 18 years
21 of age or older.

22 (b) The temporary directors who become the initial permanent
23 directors serve until permanent directors are elected under Section
24 10 of this Act.

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

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

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

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

7 (1) Precinct 1--Joe Dean Weatherby

8 (2) Precinct 2--Norman Guess

9 (3) Precinct 3--Mark Henderson

10 (4) Precinct 4--James Walter Mathews II

11 (5) At large--John Agee

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

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

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

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

26 (d) Except as provided by this section, a confirmation

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

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

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

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

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

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

1 district.

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

6 (d) The district's directors may pay all costs and expenses
7 necessarily incurred in the creation and organization of the
8 district, legal fees, and other incidental expenses and may
9 reimburse any person for money advanced for those purposes.

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

13 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

1 and accomplished.

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

5 SECTION 14. EXEMPTION FROM ACT. (a) This Act shall not
6 apply to any lands which have been annexed into the Glasscock
7 County Underground Water Conservation District pursuant to Section
8 51.714 et seq., Water Code, prior to the effective date of this
9 Act.

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

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

24 (2) The board shall accept the petition immediately
25 and shall grant exclusion of the land described in the petition,
26 the only requirement for review by the board being that of

1 conformity to Subdivision (1) of this subsection.

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

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

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

S.B. No. 1634

President of the Senate

Speaker of the House

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



TROY FRASER
TEXAS HOUSE OF REPRESENTATIVES

P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
512-463-0688

208 W. 3RD
BIG SPRING, TEXAS 79720
915-263-1307

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,

A handwritten signature in cursive script that reads "Troy Fraser".

Troy Fraser
State Representative

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 1, 1989

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

TEXAS WATER COMMISSION

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



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

April 19, 1989

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,

A handwritten signature in cursive script that reads "Allen Beinke".

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



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

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,

A handwritten signature in cursive script that reads "Allen Beinke".

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.

APR 12 REC'D

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

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.

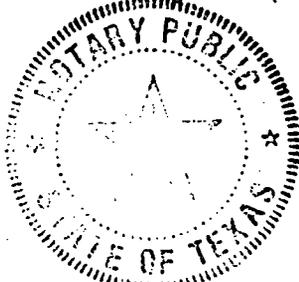
Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

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



David Werst

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

Jerry Page
Notary Public in and for

Reagan County, Texas.

PUBLIC NOTICE

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.

S.B. No. 1634

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1634 (1) passed the Senate on May 4 (2), 1989, by the following vote: Yeas 31 (3), Nays 0 (4); and that the Senate concurred in House amendment on May 24 (5), 1989, by the following vote: Yeas 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 22 (8), 1989, by the following vote: Yeas 141 (9), Nays 1 (10), one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S. B. No. 1634

By Sims

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

_____ Reported favorably _____

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

_____ Ordered not printed

MAY 4 1989 Laid before the Senate

_____ Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ years, _____ nays

MAY 4 1989 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ years, _____ 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.

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

May 4, 1989 Engrossed
May 5, 1989 Sent to House

Engrossing Clerk Patsy Graw

MAY 5 1989 Received from the Senate

MAY 8 1989 Read first time and referred to Committee on Natural Resources

5.10.89 Reported favorably ^{sub.} amended, sent to Printer at 2:00pm MAY 15 1989

MAY 16 1989 Printed and Distributed 11:41am

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

MAY 22 1989 Read Second time (^{sub.} amended): passed to third reading (~~failed~~),
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.

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

MAY 22 1989 Read third time (~~amended~~); finally passed (~~failed~~) by a (~~Non-Record Vote~~) Record Vote of 141 yeas, 1 nays 1 present not voting.

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

MAY 23 1989 Returned to Senate.

_____ Returned from House without amendment.

MAY 23 1989 Returned from House with 1 amendments.

MAY 24 1989 Concurred in House amendments by a viva voce vote 31 yeas, 0 nays.

Betty Murray
CHIEF CLERK OF THE HOUSE

_____ 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; _____, _____, _____, and _____

_____ 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

89 MAY 16 AM 11:41

HOUSE OF REPRESENTATIVES