A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management 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 Bandera County Water Management District, is created in Bandera County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the Bandera County Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Bandera County.

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

71R4759 SHH-D
SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

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

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

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of nine directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9.

(c) Initial permanent directors serve until permanent directors are elected under Section 10.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.
(f) A director serves until the director's successor has qualified.

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

(1) Phil Becker
(2) Paul Garrison, Jr.
(3) Connie Taylor
(4) Craig Tips
(5) Tom Denyer
(6) Joe Cantu
(7) J. K. Leighton
(8) Don Karr
(9)

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

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect nine initial directors.

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If the district is created at the election, the temporary
directors, at the time the vote is canvassed, shall declare the
nine persons who receive the most votes to be elected as the
initial directors and shall include the results of the directors'
election in its election report to the Texas Water Commission.

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

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authorized to be created at a confirmation election, an election
shall be held in the district for the election of directors. Two
directors shall be elected from each commissioner precinct and one
director at large. The director elected from each commissioner
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two-year term, and the director elected from each commissioner
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shall be elected to the board.

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the rights, powers, purposes, authority and functions provided by
Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971
(Article 8280-526, Vernon's Texas Civil Statutes), but if any
provision of that Act is in conflict or inconsistent with this Act, this Act prevails. The provisions of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's Texas Civil Statutes), that are not in conflict or inconsistent with this Act continue in effect.

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

THE STATE OF TEXAS
COUNTY OF BANDERA

Before me, the undersigned authority, on this day personally appeared Helen Nehr, who, after being by me duly sworn, deposes and says that she is the Advertising Manager of the Bandera Bulletin, a newspaper of general circulation which has been continuously and regularly published in the City of Bandera, County of Bandera, State of Texas, for a period of more than ten (10) years prior to the date hereof; that she knows the facts stated in this affidavit and that the hereto attached printed matter is a true and correct copy of the publication of the Notice of intent to introduce a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District which it purports to be a copy, appeared in such newspaper in the respective issues on the following dates: February 16, 1969.

[Signature]
Advertising Manager

Sworn to and subscribed before me, this the 17th day of February, 1969.

[Signature]
Notary Public--Bandera County

My commission expires 1/8/80

NOTICE
This is to give notice of intent to introduce in the 71st Legislature, Regular Session, a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District.
By: Sims  
S.B. No. 1636

第一时间被提交到自然资源委员会，并于1989年4月20日报送了反对意见，但由于有利的委员会投票，表决票数为赞成9票，反对0票，4月20日报送印制委员会。

COMMITTEE VOTE

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COMMITTEE SUBSTITUTE FOR S.B. No. 1636

By: Sims

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(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 51.075, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the nine persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the nine persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.

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

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Subsections (b) through (g), Section 52.058, Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. Two directors shall be elected from each commissioner precinct and one director at large. The director elected from each commissioner precinct who receives the fewer number of votes shall serve a two-year term and the director elected from each commissioner precinct who receives the most votes and the director elected at large shall serve a four-year term. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 11. ADDITIONAL AUTHORITY. The district may exercise the rights, powers, purposes, authority, and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's Texas Civil Statutes), but if any provision of that Act is in conflict or inconsistent with this Act, this Act prevails. The provisions of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's
Texas Civil Statutes, that are not in conflict or inconsistent
with this Act continue in effect.

SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the
62nd Legislature, Regular Session, 1971, is amended to read as
follows:

Sec. 9. All powers of the district shall be exercised by a
board of nine directors, composed of persons who served as
directors of the Bandera County Water Management District. Each
director of the Bandera County Water Management District serves on
the board of directors of the Bandera County River Authority as an
additional duty of his office as director of the water management
district. A director is not entitled to compensation for service
on the board of directors but may be reimbursed as provided by
board rules for expenses incurred in carrying out the business of
the district. Each director shall serve for his term of office as
herein provided, and thereafter until his successor shall be
appointed and qualified. No person shall be appointed a director
unless such person is 21 years of age or over and a resident of the
district and owns land therein. Each director shall subscribe to
the oath of office and shall give bond in the amount of $5,000 for
the faithful performance of his duties, the cost of which shall be
borne by the district. A majority of directors shall constitute a
quorum. Immediately after this Act becomes effective, the
following named persons shall be 21 years of age or over and
residents of the district and owns land therein: A majority of the
directors of the district and shall constitute the board of
directors of the district:

(1) Mr. K. K. Sandidge
(2) Thomas U. Kesse
(3) Daniel Tschirhart
(4) Edwin Vatter
(5) Althea Alsum
(6) Paul Garrison
(7) E. J. Settinghouse
(8) Henry Fisher
(9) R. L. Adams

If any of the aforementioned persons shall fail or refuse to serve,
die, become incapacitated, or otherwise not be qualified to assume
the duties of a director of the district under this Act, the
governor shall appoint a successor or successors. Succeeding
directors shall be appointed as provided for in this Act. The
terms of office of the first three directors named above expire on
January 21, 1973; of the second three, on January 21, 1975; and of
the last three, on January 21, 1977; on February 1, 1973; and
every two years thereafter, the governor shall appoint successors
to directors whose terms expire. Except as provided above, all
directors have six-year terms of office. The governor shall fill a
vacancy on the board by appointment for the unexpired term. The
board of directors shall elect from its number a president, a vice
president, and a secretary of the board of directors and of the
district, and such other officers as in the judgment of the board
are necessary. The president shall be chief executive officer of
the district and the presiding officer of the board, and shall have
the same right to vote as any other director. The vice president
shall perform all duties and exercise all power conferred by this
Act or the general law upon the president when the president is
absent or fails or declines to act. The secretary shall keep and
sign the minutes of the meetings of the board of directors; and in
his absence at any board meeting, a secretary pro tem shall be
named for that meeting who may exercise all the duties and powers
of the secretary for such meeting, sign the minutes thereof, and
attest all orders passed or other action taken at such meeting.
The secretary shall be the custodian of all minutes and records of
the district. The board shall appoint all necessary engineers,
attorneys, auditors, and other employees. The board shall adopt a
seal for the district.

SECTION 13. ADDITIONAL DUTY. Each person designated under
this Act as a temporary director for the Bandera County Water
Management District serves in that capacity as an additional duty
of office as a director of the Bandera County River Authority.
SECTION 14. 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 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 20, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1636, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Santiesteban, Chairman
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. 1636
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating
to the creation, administration, powers, duties, operation, and financing of the
Bandera County Water Management 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
Lt. Governor William P. Hobby
President of the Senate

Sir:

We, your Committee on NATURAL RESOURCES to which was referred SB 1636 by Sims have on April 19, 1989, had the same under consideration and I am instructed to report it back with the recommendation(s) that it

(✓) do pass as substituted, and be printed
   ( ) the caption 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:

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Grace M. Clement
COMMITTEE CLERK

Charles C. Heflin
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 CSSB 1636, by Sims,
was heard by the Committee on Natural Resource on 4-19, 1989
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

[Signature]
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0350 IF YOU HAVE ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 4:00 P.M. THURSDAYS.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.
By: Sims

S.B. No. 1636

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S.B. No. 1636

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Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971
(Article 8280-526, Vernon's Texas Civil Statutes), but if any
provision of that Act is in conflict or inconsistent with this Act,
this Act prevails. The provisions of Chapter 629, Acts of the 62nd
Legislature, Regular Session, 1971 (Article 8280-526, Vernon's
Texas Civil Statutes), that are not in conflict or inconsistent
with this Act continue in effect.

SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the
62nd Legislature, Regular Session, 1971, is amended to read as
follows:

Sec. 9. All powers of the district shall be exercised by a
board of nine directors composed of the persons who serve as
directors of the Bandera County Water Management District. Each
director of the Bandera County Water Management District serves on
the board of directors of the Bandera County River Authority as an
additional duty of his office as director of the water management
district. A director is not entitled to compensation for service
on the board of directors but may be reimbursed as provided by
board rules for expenses incurred in carrying out the business of
the district. [Each-director-shall-serve-for-his-term-of-office-as
herein-provided.--and--thereafter--until--his--successor--shall--be
appointed--and--qualified.--No-person--shall--be--appointed--a--director
unless-such-person-is-21-years-of-age-or-over-and-a-resident-of-the
district-and-owns-land-therein.--Each-director--shall--subscribe--to
the--oath--of--office--and--shall--give--bond--in--the--amount--of--$5,000--for
the--faithful-performance-of--his--duties;--the--cost--of--which--shall--be
borne--by--the--district.--A--majority--of--directors--shall--constitute-a
quorum.--Immediately--after--this--Act--becomes--effective,--the
following--named--persons,--all-of-which-are-21-years-of-age-or-over
and-residents--of-the--district-and-own-land-therein--shall--be--the
directors--of--the--district--and--shall--constitute--the--board-of
directors--of--the--district:

(1)--Wm.--R.--Sandidge
(2)--Thomas--H.--Kesse
(3)--Daniel--Toehrhardt
(4)--Edwin--Vawter
(5)--Allie--Aliup
(6)--Paul--Garrison--Sr.
(7)--Eiden--Beitinghouse
(8)--Henry--Fisher
(9)--R.--E.--Adams

if-any-of-the-abovementioned-persons--shall--fail--or--refuse--to--serve,
die,-become-incapacitated,-or-otherwise-not-be-qualified--to--assume
the--duties--of--a--director--of--the--district--under--this--Act;--the
governor--shall--appoint--a--successor--or--successors.--Succeeding
directors--shall--be--appointed--as--provided--for--in--this--Act.--The
S.B. No. 1636

terms-of-office-of-the-first-three-directors-named-above-expire--on
January--31st, 1973, of the second three--on January--31st, 1975, and of
the last three--on January--31st, 1977, --on February--17th, 1973, and
every--two--years thereafter; the governor shall appoint successors
to directors whose terms expire.--Except--as--provided--above,--all
directors have six--year--terms--of--office; --the--governor--shall--fill--a
vacancy--on--the--board--by--appointment--for--the--unexpired--term. ] The
board of directors shall elect from its number a president, a vice
president, and a secretary of the board of directors and of the
district, and such other officers as in the judgment of the board
are necessary. The president shall be chief executive officer of
the district and the presiding officer of the board, and shall have
the same right to vote as any other director. The vice president
shall perform all duties and exercise all power conferred by this
Act or the general law upon the president when the president is
absent or fails or declines to act. The secretary shall keep and
sign the minutes of the meetings of the board of directors; and in
his absence at any board meeting, a secretary pro tem shall be
named for that meeting who may exercise all the duties and powers
of the secretary for such meeting, sign the minutes thereof, and
attest all orders passed or other action taken at such meeting.
The secretary shall be the custodian of all minutes and records of
the district. The board shall appoint all necessary engineers,
atorneys, auditors, and other employees. The board shall adopt a
seal for the district.

SECTION 13. ADDITIONAL DUTY. Each person designated under
this Act as a temporary director for the Bandera County Water
Management District serves in that capacity as an additional duty
of office as a director of the Bandera County River Authority.

SECTION 14. 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 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.
AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF BANDERA

Before me, the undersigned authority, on this day personally appeared Helen Nehr, who, after being by me duly sworn, deposes and says that she is the Advertising Manager of the Bandera Bulletin, a newspaper of general circulation which has been continuously and regularly published in the City of Bandera, County of Bandera, State of Texas, for a period of more than ten (10) years prior to the date hereof; that she knows the facts stated in this affidavit and that the hereto attached printed matter is a true and correct copy of the publication of the Notice of intent to introduce a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District which it purports to be a copy, appeared in such newspaper in the respective issues on the following dates: February 16, 1989.

Helen Nehr
Advertising Manager

Sworn to and subscribed before me, this the 17th day of February, 1989.

David Nehr
Notary Public—Bandera County
My commission expires 1/3/90
TO: Honorable H. Tati Santiesteban, Chairman Committee on Natural Resources Senate Chamber Austin, Texas

In Re: Committee Substitute for Senate Bill No. 1636

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management 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 Committee Substitute for Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, LV

71FCSSB1636
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. 1636
       By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management 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
By Sims
(Edge)
Substitute the following for S.B. No. 1636:

By Yost

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Springhills Water Management 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 Springhills Water Management District, is created in Bandera County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the Springhills Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Bandera County.

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

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

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

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

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of nine directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9 of this Act.

(c) Initial permanent directors serve until permanent directors are elected under Section 10 of this Act.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

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

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

(g) A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of
SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

(1) Phil Becker
(2) Paul Garrison, Jr.
(3) Connie Taylor
(4) Craig Tips
(5) Tom Denyer
(6) Joe Cantu
(7) J. K. Leighton
(8) Don Karr
(9) J. B. Edwards

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

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
(a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect nine initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 51.075, Water Code.

(c) At the confirmation and initial directors' election, the
temporary board of directors shall have the names of the nine
candidates serving as temporary directors placed on the ballot
together with the name of any candidate filing for the office of
director as provided by Subsection (b) of this section and blank
spaces to write in the names of other persons. If the district is
created at the election, the temporary directors, at the time the
vote is canvassed, shall declare the nine persons who receive the
most votes to be elected as the initial directors and shall include
the results of the directors' election in its election report to
the Texas Water Commission.
(d) Subsection (a), Section 41.001, Election Code, does not
apply to a confirmation and initial directors' election held as
provided by this section.
(e) Except as provided by this section, a confirmation and
initial directors' election must be conducted as provided by
Subsections (b) through (g), Section 52.058, Water Code, and the
Election Code.
SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
May of the second year after the year in which the district is
authorized to be created at a confirmation election, an election
shall be held in the district for the election of directors. Two
directors shall be elected from each commissioner precinct and one
director at large. The director elected from each commissioner
precinct who receives the fewer number of votes shall serve a
two-year term, and the director elected from each commissioner
precinct who receives the most votes and the director elected at
large shall serve a four-year term. Thereafter, on the same date
in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 11. ADDITIONAL AUTHORITY. The district may exercise the rights, powers, purposes, authority, and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's Texas Civil Statutes), but if any provision of that Act is in conflict or inconsistent with this Act, this Act prevails. The provisions of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's Texas Civil Statutes), that are not in conflict or inconsistent with this Act continue in effect.

SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

Sec. 9. All powers of the district shall be exercised by a board of nine directors composed of the persons who serve as directors of the Springhills Water Management District. Each director of the Springhills Water Management District serves on the board of directors of the Bandera County River Authority as an additional duty of his office as director of the water management district. A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district. [Each director shall serve for his term of office as herein provided— and— thereafter— until— his— successor— shall— be appointed— and— qualified— No person shall be appointed a director unless such person is 21 years of age or over and a resident of the]
district-and-owns-land-therein.--Each-director-shall-subscribe-to
the-oath-of-office-and-shall-give-bond-in-the-amount-of-$65,000-for
the-faithful-performance-of-his-duties,-the-cost-of-which-shall-be
borne-by-the-district.--A-majority-of-directors-shall-constitute-a
quorum.--Immediately-after-this-Act-becomes-effective,-the
following-named-persons,-all-of-whom-are-21-years-of-age-or-over
and-residents-of-the-district-and-own-land-therein,-shall-be-the
directors-of-the-district:-

(1)--Mr.--R.--Sandidge
(2)--Thomas-U.--Kesse
(3)--Daniel-Tschirhart
(4)--Edwin-Vawter
(5)--Allie-Aiiaup
(6)--Paul-Garrison-Sr.
(7)--Eiden-Beitinghouse
(8)--Henry-Fisher
(9)--R.--E.--Adams

if-any-of-the-abovementioned-persons-shall-fail-or-refuse-to-serve,
die,-become-incapacitated,-or-otherwise-not-be-qualified-to-assume
the-duties-of-a-director-of-the-district-under-this-Act,-the
governor-shall-appoint-a-successor-or-successors.--Succeeding
directors-shall-be-appointed-as-provided-for-in-this-Act.--The
terms-of-office-of-the-first-three-directors-named-above-expire-on
the-last-three,-on-January-31,1977,-on-February-1,1973,-and
every-two-years-thereafter,-the-governor-shall-appoint-successors
C.S.S.B. No. 1636

ten-directors-whose-terms-expire—Except—as—provided—above—shall

directors-have-six-year-terms-of-office—The-governor-shall-fill-a

vacancy—on—the-board-by-appointment-for-the-unexpired-term—] The

board of directors shall elect from its number a president, a vice

president, and a secretary of the board of directors and of the

district, and such other officers as in the judgment of the board

are necessary. The president shall be chief executive officer of

the district and the presiding officer of the board, and shall have

the same right to vote as any other director. The vice

president shall perform all duties and exercise all power conferred by this

Act or the general law upon the president when the president is

absent or fails or declines to act. The secretary shall keep and

sign the minutes of the meetings of the board of directors; and in

his absence at any board meeting, a secretary pro tempore shall be

named for that meeting who may exercise all the duties and powers

of the secretary for such meeting, sign the minutes thereof, and

attest all orders passed or other action taken at such meeting.

The secretary shall be the custodian of all minutes and records of

the district. The board shall appoint all necessary engineers,

attorneys, auditors, and other employees. The board shall adopt a

seal for the district.

SECTION 13. ADDITIONAL DUTY. Each person designated under

this Act as a temporary director for the Springhills Water

Management District serves in that capacity as an additional duty

of office as a director of the Bandera County River Authority.

SECTION 14. 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 15. EFFECTIVE DATE. This Act takes effect immediately, except Section 12 of this Act takes effect on the date the temporary board of directors declares the results of the confirmation and initial directors' election to be favorable to the creation of the district and declares the district created.

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
The Honorable Gib Lewis  
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 1636 have had the same under consideration and beg to report back with the recommendation that it

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

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

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

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

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

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

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

House Sponsor of Senate Measure Edge

The measure was reported from Committee by the following vote:

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<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
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<td>Smith, T., Ch.</td>
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<td>Willy, V.C.</td>
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<td>Collazo, C.B.O.</td>
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<td>Yost</td>
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Total: 7 aye 0 nay 0 present, not voting 2 absent

[Signatures]

[Chairman]

[Committee Coordinator]
BILL ANALYSIS

Background

It is believed that creation of the Springhills Water Management District will be beneficial to residents of the area.

Purpose of the Bill

This bill creates the district and provides for its operation.

Section by Section Analysis

Section 1. Creates the district under Article XVI, Section 59 of the Texas Constitution.

Section 2. Definition.

Section 3. Includes all territory in Bandera County in the district.

Section 4. Finding of closure.

Section 5. Finding of benefit.

Section 6. Provides for the general 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 nine member board with members serving staggered four year terms. Provides for additional terms and qualifications for directors under Sections 51.078 and 51.079, Water Code.

Section 8. Names the temporary board and provides for filling vacancies.

Section 9. Provides procedures for holding a district confirmation and directors' election.

Section 10. Provides for regular directors elections on the first Saturday in May every second year.

Section 11. Provides the district certain additional authority under Chapter 629, Acts of the 62nd Legislature, 1971.

Section 12. Amends Section 9, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 to provide that members of the board of the district shall also serve on the board of the Bandera County River Authority.
Section 13. Provides that members of the temporary board shall also serve as directors of the Bandera County River Authority.

Section 14. Finding of compliance with notice requirements.

Section 15. Effective date is immediately, excepting Section 12 which takes effect when the district is created.

Section 16. 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 to SB 1636 changes the name of the district from the Bandera County Management District to the Springhills Management District, and adds Sections 12 and 13 to include members of the board of the district on the board of the Bandera County River Authority. An effective date clause is added in Section 15.

Summary of Committee Action

The House companion to SB 1636, HB 3015, was referred directly to the subcommittee on water districts on May 3, 1989.

HB 3015 was considered by the subcommittee in public hearing on May 8, 1989. Representative Edge introduced the bill. Harry Pruett of the Texas Water Commission testified as a resource witness on the bill. Phil Becker and Ray Buck, representing the Bandera County River Authority, testified for the bill. Representative Junell moved that SB 1636 be reported to the full committee in lieu of HB 3015. There was no objection. The motion to report SB 1636 favorably to the full committee carried with a vote of 2 ayes, 0 nays, 0 PNV, and 1 absent.

The rules were suspended on May 10, 1989 in order to allow the committee to take up the subcommittee report on SB 1636 in public hearing on that day.

SB 1636 was considered by the full committee in public hearing on May 10, 1989. The subcommittee report was laid out. Representative Junell offered a complete substitute for SB 1636. The substitute was adopted without objection. The motion to report the bill favorably, as substituted, to the full House for placement on the local calendar carried with a vote of 7 ayes, 0 nays, 0 PNV, and 2 absent.
TO: Honorable H. Tati Santiesteban, Chairman Committee on Natural Resources Senate Chamber Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management 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 Committee Substitute for Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, LV
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. 1636

BY: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, PA
May 1, 1989

The Honorable Terrell Smith
Chairman, Natural Resources Cmte.
P. O. Box 2910
Austin, Texas 78768

Re: Author's Fiscal Statement—SB1636

Mr. Chairman:

In response to your request for an author's fiscal statement on SB 1636, I have determined the following:

1. Cost to State Govt: No fiscal implication
   (Per TX Water Commission)

2. Cost to Bandera Co. Govt: A confirmation and
director's election generally costs the local
district between $1000 and $5000 depending on
the costs of notices and legal fees. By Water
Code 52, those costs would be considered organi-
zation costs and may be paid from the first bond
issue, maintenance taxes or other revenue of the
district.

[Signature]

Representative Eldon Edge

Committees: Agriculture, Public Education
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. 1636/H.B. 3015) - Proposed creation of a conservation and reclamation district pursuant to Article III, 552 and Article XVI, 59(d), Texas Constitution: Bandera County Water Management District.

Dear Governor Clements:

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

Sincerely,

Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Eetty Murray, Chief Clerk, House of Representatives
Ms. Eetty 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
Representative Eildon Edge, House of Representatives
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. (H.B. 3015/S.B. 1636) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Bandera County Water Management District.

Dear Speaker Lewis:

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

Sincerely,

Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman, House Natural Resources Committee
Senator Bill Sims, State Senate
Representative Eldon Edge, House of Representatives
Water Development Policy Impact Statements for House Bill 3015 (H.B. 3015)/Senate Bill 1636 (S.B. 1636) relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District follow.

Wells located within this proposed district primarily utilize the Trinity Group aquifer; however, some water may also be derived from the Edwards Aquifer. There is no apparent hydrogeologic justification for the determination of district boundaries. Bandera County is currently in the critical area process.

H.B. 3015/S.B. 1636 provides that the proposed district (which encompasses all of Bandera County) 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. Additionally, the district may exercise the rights, powers, purposes, authority and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (This act created the Bandera County River Authority). Specific impact statements related to required headings follow.

1) **Population projections** - The proposed District's boundaries are coterminous with the boundaries of Bandera County. The Board's current projected population for Bandera County indicates an anticipated increase in population ranging from 4,572 to 8,901 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 shall not exceed 50 cents on each $100 of assessed valuation for maintenance taxes. The board shall 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** - H.B. 3015/S.B. 1636 appoints as temporary directors the same individuals as the directors currently serving as directors of the Bandera County River Authority. At the time these individuals take office as directors of the Bandera County Water Management District, they must vacate their offices as directors of the Bandera County River Authority because Article XVI, Sec. 50, of the Texas Constitution prohibits one person from holding two offices of emolument. Court decisions and Texas Attorney General opinions have repeatedly ruled that directors of water districts hold offices of emolument.

The district is to be divided into four districts, corresponding to county commissioner precincts. The district is to be governed by a board of nine directors. The board is to be composed of two elected directors from each of the four Commissioner precincts, and an additional elected director who will represent the district at-large. The bills provide for and describe three sets of board of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors will serve until the initial permanent directors are elected and these in turn will serve until the permanent directors have been elected. The initial permanent and permanent directors are elected in the manner prescribed by the bills. The permanent directors will serve staggered four-year terms and the election will be conducted as prescribed in the Acts and as provided by 52.058(b)-(g), Texas Water Code, and the Election Code.

Since the bills create an underground water conservation district, it has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water Code, applicable to those districts created under Article
XVI, Section 59 of the Texas Constitution. These 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. No additional powers are granted to the district by the bills, except for the powers of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971. This legislation created the Bandera County River Authority, a conservation and reclamation district empowered to exercise rights and duties of the general laws of the state applicable to water control and improvement districts.

4) **Effect on the Texas Water Development Board's water plan** - The Board finds the creation of the proposed 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 in Section 12.001 of the Texas Water Code. It is also subject to applicable general reporting requirements for all districts as set out in Subchapter A, Sections 50.001 through 50.106, Texas Water Code.

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; 2) install pumps and other equipment; and 3) provide facilities for the purchase, sale,
transportation, and distribution of surface and groundwater (Section 52.291).

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** - The bills contain no specific provisions for the exclusion of land from the district.

8) **Adequacy of the boundary description** - This district includes all of Bandera County. There appears to be no conflict between the boundaries of this district and other existing districts. Section 4 of the bills which deals with field notes is not germane to a district created with county boundaries and ought to be deleted. Additionally, the Bandera County River Authority does not encompass all of Bandera County. Excluded are the Bandera County Fresh Water Supply District No. 1 and the Bandera County Water Control and Improvement District No. 1.

9) **Comment on powers and duties different from similar types of districts** - This is an underground water conservation district, and as such has been given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts. These bills name the Bandera County River Authority Board members as district board members.
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Springhills Water Management District, including the authority to issue bonds and levy taxes and the power of eminent domain.

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 Springhills Water Management District, is created in Bandera County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the Springhills Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Bandera County.

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

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

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

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

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of nine directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9 of this Act.

(c) Initial permanent directors serve until permanent directors are elected under Section 10 of this Act.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

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

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

(g) A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of
the district.

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

(1) Phil Becker
(2) Paul Garrison, Jr.
(3) Connie Taylor
(4) Craig Tips
(5) Tom Denyer
(6) Joe Cantu
(7) J. K. Leighton
(8) Don Karr
(9) J. B. Edwards

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

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
(a) The temporary board of directors shall call and hold an
election to confirm establishment of the district and to elect nine
initial directors.

(b) A person who desires to be a candidate for the office of
initial director may file an application with the temporary board
to have the candidate's name printed on the ballot as provided by
Section 51.075, Water Code.

(c) At the confirmation and initial directors' election, the
temporary board of directors shall have the names of the nine
persons serving as temporary directors placed on the ballot
together with the name of any candidate filing for the office of
director as provided by Subsection (b) of this section and blank
spaces to write in the names of other persons. If the district is
created at the election, the temporary directors, at the time the
vote is canvassed, shall declare the nine persons who receive the
most votes to be elected as the initial directors and shall include
the results of the directors' election in its election report to
the Texas Water Commission.

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

(e) Except as provided by this section, a confirmation and
initial directors' election must be conducted as provided by
Subsections (b) through (g), Section 52.058, Water Code, and the
Election Code.

SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
May of the second year after the year in which the district is
authorized to be created at a confirmation election, an election
shall be held in the district for the election of directors. Two
directors shall be elected from each commissioner precinct and one
director at large. The director elected from each commissioner
precinct who receives the fewer number of votes shall serve a
two-year term, and the director elected from each commissioner
precinct who receives the most votes and the director elected at
large shall serve a four-year term. Thereafter, on the same date
in each subsequent second year, the appropriate number of directors
shall be elected to the board.

SECTION 11. ADDITIONAL AUTHORITY. The district may exercise
the rights, powers, purposes, authority, and functions provided by
Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971
(Article 8280-526, Vernon's Texas Civil Statutes), but if any
provision of that Act is in conflict or inconsistent with this Act,
this Act prevails. The provisions of Chapter 629, Acts of the 62nd
Legislature, Regular Session, 1971 (Article 8280-526, Vernon's
Texas Civil Statutes), that are not in conflict or inconsistent
with this Act continue in effect.

SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the
62nd Legislature, Regular Session, 1971, is amended to read as
follows:

Sec. 9. All powers of the district shall be exercised by a
board of nine directors composed of the persons who serve as
directors of the Springhills Water Management District. Each
director of the Springhills Water Management District serves on the
board of directors of the Bandera County River Authority as an
additional duty of his office as director of the water management
district. A director is not entitled to compensation for service
on the board of directors but may be reimbursed as provided by
board rules for expenses incurred in carrying out the business of
the district. (Each-director-shall-serve-for-his-term-of-office-as
herein-provided—and—thereafter—until—his—successor—shall—be
appointed—and—qualified.—No-person-shall-be-appointed—a-director
unless-such-person-is-21-years-of-age-or-over-and-a-resident-of-the
district-and-owns-land-therein.--Each-director-shall-subscribe-to
the-oath-of-office-and-shall-give-bond-in-the-amount-of-$5,000-for
the-faithful-performance-of-his-duties,-the-cost-of-which-shall-be
borne-by-the-district.--A-majority-of-directors-shall-constitute-a
quorum.--immediately-after--this--Act--becomes--effective--the
following-named--persons,-all-of-whom-are-21-years-of-age-or-over
and-residents-of-the-district-and-own-land-therein,-shall-be-the
directors-of-the-district-and-shall-constitute-the-board-of
directors-of-the-district:

(1)--Mr.--R.-Sandidge
(2)--Thomas-W.-Keese
(3)--Daniel-Tschirhart
(4)--Edwin-Vawter
(5)--Alicie-Aldius
(6)--Paul-Garrison,-Sr.
(7)--Eldon-Beitinghouse
(8)--Henry-Fisher
(9)--R.-R.-Adams

if-any-of-the-abovementioned-persons-shall-fail-or-refuse-to-serve,
die,-become-incapacitated,-or OTHERWISE-not-be-qualified-to--assume
the duties-of-a-director-of-the-district-under-this-Act,-the
governor-shall-appoint-a-successor-or-successors.--Succeeding
directors-shall-be-appointed-as-provided-for-in-this-Act.--The
terms-of-office-of-the-first-three-directors-named-above-expire-on
January-31,-1973,-of-the-second-three,-on-January-31,-1975,-and-of
the-third-three,-on-January-31,-1977,-On-February-1,-1977,-and
every-two-years-thereafter,-the-governor-shall-appoint-successors
to-directors-whose-terms-expire.--Except-as-provided-above,-all
directors-have-six-year-terms-of-office.--The-governor-shall-fill-a
vacancy-on-the-board-by-appointment-for-the-unexpired-term.) The
board of directors shall elect from its number a president, a vice
president, and a secretary of the board of directors and of the
district, and such other officers as in the judgment of the board
are necessary. The president shall be chief executive officer of
the district and the presiding officer of the board, and shall have
the same right to vote as any other director. The vice president
shall perform all duties and exercise all power conferred by this
Act or the general law upon the president when the president is
absent or fails or declines to act. The secretary shall keep and
sign the minutes of the meetings of the board of directors; and in
his absence at any board meeting, a secretary pro tem shall be
named for that meeting who may exercise all the duties and powers
of the secretary for such meeting, sign the minutes thereof, and
attest all orders passed or other action taken at such meeting.
The secretary shall be the custodian of all minutes and records of
the district. The board shall appoint all necessary engineers,
avvorneys, auditors, and other employees. The board shall adopt a
seal for the district.  \[1/2\]

SECTION 13. ADDITIONAL DUTY. Each person designated under
this Act as a temporary director for the Springhills Water
Management District serves in that capacity as an additional duty
of office as a director of the Bandera County River Authority.

SECTION 14. 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 15. EFFECTIVE DATE. This Act takes effect
immediately, except Section 12 of this Act takes effect on the date
the temporary board of directors declares the results of the
confirmation and initial directors' election to be favorable to the
creation of the district and declares the district created.

SECTION 16. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.
S.B. No. 1636

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Springhills Water Management District, including the authority to issue bonds and levy taxes and the power of eminent domain.

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 Springhills Water Management District, is created in Bandera County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the Springhills Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Bandera County.

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

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public
SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

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

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of nine directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9 of this Act.

(c) Initial permanent directors serve until permanent directors are elected under Section 10 of this Act.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

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

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

(g) A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by
board rules for expenses incurred in carrying out the business of the district.

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

   (1) Phil Becker
   (2) Paul Garrison, Jr.
   (3) Connie Taylor
   (4) Craig Tips
   (5) Tom Denyer
   (6) Joe Cantu
   (7) J. K. Leighton
   (8) Don Karr
   (9) J. B. Edwards

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

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

(a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect nine initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by
Section 51.075, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the nine persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the nine persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.

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

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Subsections (b) through (g), Section 52.058, Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. Two directors shall be elected from each commissioner precinct and one director at large. The director elected from each commissioner precinct who receives the fewer number of votes shall serve a
two-year term, and the director elected from each commissioner
precinct who receives the most votes and the director elected at
large shall serve a four-year term. Thereafter, on the same date
in each subsequent second year, the appropriate number of directors
shall be elected to the board.

SECTION 11. ADDITIONAL AUTHORITY. The district may exercise
the rights, powers, purposes, authority, and functions provided by
Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971
(Article 8280-526, Vernon's Texas Civil Statutes), but if any
provision of that Act is in conflict or inconsistent with this Act,
this Act prevails. The provisions of Chapter 629, Acts of the 62nd
Legislature, Regular Session, 1971 (Article 8280-526, Vernon's
Texas Civil Statutes), that are not in conflict or inconsistent
with this Act continue in effect.

SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the
62nd Legislature, Regular Session, 1971, is amended to read as
follows:

Sec. 9. All powers of the district shall be exercised by a
board of nine directors composed of the persons who serve as
directors of the Springhills Water Management District. Each
director of the Springhills Water Management District serves on the
board of directors of the Bandera County River Authority as an
additional duty of his office as director of the water management
district. A director is not entitled to compensation for service
on the board of directors but may be reimbursed as provided by
board rules for expenses incurred in carrying out the business of
the district. [Each-director-shall-serve-for-his-term-of-office-as
herein-provided-and-thereafter-until-his-successor-shall-be
appointed-and-qualified.-No-person-shall-be-appointed-a-director
unless-such-person-is-21-years-of-age-or-over-and-a-resident-of-the
district-and-owns-land-therein.--Each-director-shall-subscribe-to
the-oath-of-office-and-shall-give-bond-in-the-amount-of-$5,000-for
the-faithful-performance-of-his-duties--the-cost-of-which-shall-be
borne-by-the-district.--A-majority-of-directors-shall-constitute-a
quorum.--Immediately-after-this-Act-becomes-effective--the
following-named-persons--all-of-whom-are-21-years-of-age-or-over
and-residents-of-the-district-and-own-land-therein--shall-be-the
directors-of-the-district--and-shall-constitute-the-board-of
directors-of-the-district--
(1)--Mr. R. Sandidge
(2)--Thomas V. Kesse
(3)--Daniel Tschirhart
(4)--Edwin Vawter
(5)--Alite Allsup
(6)--Paul Garrison, Sr.
(7)--Elden Beltinghouse
(8)--Henry Fisher
(9)--R. E. Adams
if-any-of-the-aforesaid-persons-shall-fail-or-refuse-to-serve,
die,-become-incapacitated,-or OTHERWISE NOT-be-qualified-to-assume
the-duties-of-a-director-of-the-district-under-this-Act,-the
governor-shall-appoint-a-successor-or-successors--succeeding
S.B. No. 1636

directors—shall—be—appointed—as—provided—fer—in—this—Act.—The

terms-of-office-of-the-first-three-directors-named-above-expire—on
January—31—1973,—of-the-second-three—on—January—31—1975,—and—of
the-last-three—on—January—31—1977.—On—February—1—1973,—and
every—two—years—thereafter,—the-governor—shall—appoint—successors
to-directors—whose-terms-expire.—Except—as—provided—above,—all
directors-have-six-year-terms-of-office.—The-governor—shall—fill—a
vacancy—on—the-board—by—appointment—for—the-unexpired-term.] The
board of directors shall elect from its number a president, a vice
president, and a secretary of the board of directors and of the
district, and such other officers as in the judgment of the board
are necessary. The president shall be chief executive officer of
the district and the presiding officer of the board, and shall have
the same right to vote as any other director. The vice president
shall perform all duties and exercise all power conferred by this
Act or the general law upon the president when the president is
absent or fails or declines to act. The secretary shall keep and
sign the minutes of the meetings of the board of directors; and in
his absence at any board meeting, a secretary pro tem shall be
named for that meeting who may exercise all the duties and powers
of the secretary for such meeting, sign the minutes thereof, and
attest all orders passed or other action taken at such meeting.
The secretary shall be the custodian of all minutes and records of
the district. The board shall appoint all necessary engineers,
attorneys, auditors, and other employees. The board shall adopt a
seal for the district.
S.B. No. 1636

SECTION 13. ADDITIONAL DUTY. Each person designated under this Act as a temporary director for the Springhills Water Management District serves in that capacity as an additional duty of office as a director of the Bandera County River Authority.

SECTION 14. 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 15. EFFECTIVE DATE. This Act takes effect immediately, except Section 12 of this Act takes effect on the date the temporary board of directors declares the results of the confirmation and initial directors' election to be favorable to the creation of the district and declares the district created.

SECTION 16. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
S.B. No. 1636

President of the Senate

I hereby certify that S.B. No. 1636 passed the Senate on April 27, 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.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 1636 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
Texas House of Representatives

P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0516
Rm. 411-B, Capitol

District 45
Atascosa, Bandera, Frio,
Live Oak, Medina, Wilson

State Representative
Eldon Edge

May 1, 1989

The Honorable Terrell Smith
Chairman, Natural Resources Cmte.
P.O. Box 2910
Austin, Texas 78768

Re: Author's Fiscal Statement-SB1636

Mr. Chairman:

In response to your request for an author's fiscal statement on SB 1636; I have determined the following:

1. Cost to State Govt: No Fiscal Implication
   (per TX Water Commission)

2. Cost to Bandera Co. Govt: A confirmation and
director's election generally costs the local
district between $1000 and $5000 depending on
the costs of notices and legal fees. By Water
Code 52, those costs would be considered organ-
ization costs and may be paid from the first bond
issue, maintenance taxes or other revenue of the
district.

Eldon Edge
Representative Eldon Edge
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
April 21, 1989

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

        In Re: Committee Substitute for
              Senate Bill No. 1636

FROM:  Jim Oliver, Director

        In response to your request for a Fiscal Note on Committee Substitute for Senate
        Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing
        of the Bandera County Water Management 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 Committee Substitute for Senate as to its probable fiscal
        implication on units of local government.

Source:  LBB Staff:  JO, JWH, LV
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. 1636/H.B. 3015) - Proposed creation of a conservation and reclamation district pursuant to Article III, 552 and Article XVI, 559(d), Texas Constitution: Bandera County Water Management District.

Dear Governor Clements:

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

Sincerely,

Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate
Representative Eldon Edge, House of Representatives
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. (H.B. 3015/S.B. 1636) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Bandera County Water Management District.

Dear Speaker Lewis:

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

Sincerely,

Allen Beinke  
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives  
Ms. Betty King, Secretary of the Senate  
Representative Terral Smith, Chairman, House Natural Resources Committee  
Senator Bill Sims, State Senate  
Representative Eldon Edge, House of Representatives
Water Development Policy Impact Statements for House Bill 3015 (H.B. 3015)/Senate Bill 1636 (S.B. 1636) relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District follow.

Wells located within this proposed district primarily utilize the Trinity Group aquifer; however, some water may also be derived from the Edwards Aquifer. There is no apparent hydrogeologic justification for the determination of district boundaries. Bandera County is currently in the critical area process.

H.B. 3015/S.B. 1636 provides that the proposed district (which encompasses all of Bandera County) 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. Additionally, the district may exercise the rights, powers, purposes, authority and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (This act created the Bandera County River Authority). Specific impact statements related to required headings follow.

1) **Population projections** - The proposed District's boundaries are coterminous with the boundaries of Bandera County. The Board's current projected population for Bandera County indicates an anticipated increase in population ranging from 4,572 to 8,901 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 shall not exceed 50 cents on each $100 of assessed valuation for maintenance taxes. The board shall 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** - H.B. 3015/S.B. 1636 appoints as temporary directors the same individuals as the directors currently serving as directors of the Bandera County River Authority. At the time these individuals take office as directors of the Bandera County Water Management District, they must vacate their offices as directors of the Bandera County River Authority because Article XVI, Sec. 50, of the Texas Constitution prohibits one person from holding two offices of emolument. Court decisions and Texas Attorney General opinions have repeatedly ruled that directors of water districts hold offices of emolument.

The district is to be divided into four districts, corresponding to county commissioner precincts. The district is to be governed by a board of nine directors. The board is to be composed of two elected directors from each of the four Commissioner precincts, and an additional elected director who will represent the district at-large. The bills provide for and describe three sets of board of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors will serve until the initial permanent directors are elected and these in turn will serve until the permanent directors have been elected. The initial permanent and permanent directors are elected in the manner prescribed by the bills. The permanent directors will serve staggered four-year terms and the election will be conducted as prescribed in the Acts and as provided by 52.058(b)-(g), Texas Water Code, and the Election Code.

Since the bills create an underground water conservation district, it has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water Code, applicable to those districts created under Article
XVI, Section 59 of the Texas Constitution. These 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. No additional powers are granted to the district by the bills, except for the powers of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971. This legislation created the Bandera County River Authority, a conservation and reclamation district empowered to exercise rights and duties of the general laws of the state applicable to water control and improvement districts.

4) **Effect on the Texas Water Development Board's water plan** - The Board finds the creation of the proposed 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 in Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting requirements for all districts as set out in Subchapter A, Sections 50.001 through 50.106, Texas Water Code.

   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; 2) install pumps and other equipment; and 3) provide facilities for the purchase, sale,
transportation, and distribution of surface and groundwater (Section 52.291).

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** - The bills contain no specific provisions for the exclusion of land from the district.

8) **Adequacy of the boundary description** - This district includes all of Bandera County. There appears to be no conflict between the boundaries of this district and other existing districts. Section 4 of the bills which deals with field notes is not germane to a district created with county boundaries and ought to be deleted.

Additionally, the Bandera County River Authority does not encompass all of Bandera County. Excluded are the Bandera County Fresh Water Supply District No. 1 and the Bandera County Water Control and Improvement District No. 1.

9) **Comment on powers and duties different from similar types of districts** - This is an underground water conservation district, and as such has been given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts. These bills name the Bandera County River Authority Board members as district board members.
TO: Honorable H. Tati Santiesteban, Chairman Committee on Natural Resources Senate Chamber Austin, Texas

In Re: Senate Bill No. 1636

By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management 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
AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF BANDERA

Before me, the undersigned authority, on this day personally appeared Helen Nehr, who, after being by me duly sworn, deposes and says that she is the Advertising Manager of the Bandera Bulletin, a newspaper of general circulation which has been continuously and regularly published in the City of Bandera, County of Bandera, State of Texas, for a period of more than ten (10) years prior to the date hereof; that she knows the facts stated in this affidavit and that the hereto attached printed matter is a true and correct copy of the publication of the Notice of intent to introduce a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District which it purports to be a copy, appeared in such newspaper in the respective issues on the following dates: February 16, 1989.

Signature

Advertising Manager

Sworn to and subscribed before me, this the 17th day of February, 1989.

Signature

Notary Public--Bandera County

My commission expires 1/8/90
S.B. No. 1636

President of the Senate

I hereby certify that S.B. No. 1636 (1) passed the Senate on April 27 (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).

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 1636 (1) passed the House, with amendment, on May 22 (8), 1989, by the following vote: Yeas 141 (9), Nays 1 (10), one present.

Chief Clerk of the House

Approved:

Date

Governor
A BILL TO BE ENTITLED

AN ACT relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District.

Filed with the Secretary of the Senate

APR 4 1989
Read and referred to Committee on NATURAL RESOURCES

Reported favorably

APR 20 1989
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

APR 27 1989
Ordered not printed

APR 27 1989
Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: 

unanimous consent

yeas, nays

APR 27 1989
Read second time, and ordered engrossed by: 

unanimous consent

viva voce vote

yeas, nays

APR 27 1989
Caption ordered amended to conform to the body of the bill.

APR 27 1989
Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nays.

APR 27 1989
Read third time, and passed by 31 yeas, 0 nays.

SECRETARY OF THE SENATE

OTHER ACTION:

April 27, 1989 Engrossed

April 27, 1989 Sent to House

Engrossing Clerk

APR 27 1989 Received from the Senate

MAY 1 1989 Read first time and referred to Committee on

MAY 1 1989 Nat Resource

MAY 1 1989 Report favorably

MAY 15 1989 Sent to Printer

MAY 16 1989 Printed and Distributed

MAY 15 1989 Read Second time

MAY 22 1989 Passed to third reading

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 (given) by a (Non-Record Vote) Record Vote of

MAY 22 1989 yeas, nays present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

MAY 23 1989 Returned from House without amendment.

MAY 24 1989 Returned from House with amendments.

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

Senate conferees instructed.

Senate conferees appointed: ____________________________ , Chairman: ____________________________ .

__________________________ , 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
  ______ yea(s), ______ nay(s)

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

{ a viva voce vote
  ______ yea(s), ______ nay(s)

OTHER ACTION:

Recommitted to Conference Committee

Conferes discharged.

Conference Committee Report failed of adoption by: ____________________________

{ a viva voce vote
  ______ yea(s), ______ nay(s)