

BY: Zaffirini

S. B. No. 1675

A BILL TO BE ENTITLED

AN ACT

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Relating to the creation, administration, powers, duties,
operation, and financing of the ^{Brush Country} ~~Live Oak County~~ Underground
Water Conservation District, ^{including the authority to levy}
^{taxes and issue bonds.}

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

SECTION 1. CREATION OF DISTRICT. Under Article XVI,

* Section 59, of the Texas Constitution, the ^{Brush Country} ~~Live Oak County~~
Underground Water ^{Conservation} District is created as a governmental
agency and body politic and corporate, authorized to
exercise the powers essential to the accomplishment of the
purposes of that constitutional provision and to exercise
the rights, powers, duties, privileges, and functions
provided by this Act and by Chapters 51 and 52, Water Code,
and by other laws of this state relating to underground
water conservation districts.

SECTION 2. DEFINITION. In this Act, "district" means

the ^{Brush Country} ~~Live Oak County~~ Underground Water Conservation District.

SECTION 3. BOUNDARY OF DISTRICT. The district

includes all of the territory located in Live Oak County.

SECTION 4. PURPOSE OF DISTRICT. The District is

created to provide for the conservation, preservation,
protection, recharge, and prevention of waste of the
underground water reservoirs located under district land
consistent with the objectives of Article XVI, Section 59,
of the Texas Constitution and Chapters 51 and 52, Water
Code.

H.B. 00

H. A. 02

4-27-89
5-19-89

1 SECTION 5. POWERS AND DUTIES OF DISTRICT. The
2 district may exercise the powers, rights, privileges, and
3 functions permitted by Chapters 51 and 52, Water Code, and
4 may:

5 (1) make and enforce rules to provide for
6 conserving, preserving, protecting, recharging, and
7 preventing waste of the water from the underground water
8 reservoirs;

9 (2) enforce its rules by injunction, mandatory
10 injunction, or other appropriate remedies in a court of
11 competent jurisdiction;

12 (3) require permits for the drilling, equipping,
13 and completion of wells in the underground water reservoirs
14 in the district and issue permits that includes terms and
15 provisions with reference to the drilling, equipping, and
16 completion of the wells that are necessary to prevent waste
17 or ^{to} conserve, preserve, and protect underground water;

18 (4) provide for the spacing of wells producing
19 from the underground water reservoirs in the district and
20 regulate the production from those wells to minimize as far
21 as practicable the drawdown of the water table or the
22 reduction of the artesian pressure; provided, the owner of
23 the land ^{or} his heirs, assigns, and lessees are not denied a
24 permit to drill a well on their land and the right to
25 product^e underground water from that well subject to rules
26 adopted under this Act;

27 (5) require records to be kept and reports to be
28 made of the drilling, equipping, and completion of wells
29 into any underground water reservoir in the district and the
30 taking and use^{2/3} of underground water from those reservoirs
31 and require accurate driller's logs to be kept of those

1 wells and a copy of those logs and of any electric logs that
2 may be made of the wells to be filed with the district;

3 (6) acquire land for the erection of dams and for
4 the purpose of draining lakes, draws, and depressions;
5 construct dams, drain lakes, depressions, draws, and creeks;
6 and install pumps and other equipment necessary to recharge
7 any underground water reservoirs in the district;

8 (7) have made by registered professional
9 engineers surveys of the underground water of any
10 underground water reservoir in the district and of the
11 facilities for the development, production, and use of that
12 underground water and determine the quantity of the
13 underground water available for the production and use and
14 the improvements, developments, and recharges needed for
15 those underground water reservoirs;

16 (8) develop comprehensive plans for the most
17 efficient use of the underground water of any underground
18 water reservoir in the district and for the control and
19 prevention of waste of that underground water, with the
20 plans to specify in the amount of detail that may be
21 practicable, the acts, procedure, performance, and avoidance
22 that are or may be necessary to carry out those plans,
23 including specifications;

24 (9) carry out research projects, develop
25 information, and determine limitations, if any, that should
26 be made on the withdrawal of underground water from any
27 underground water^{3/4} reservoir in the district;

28 (10) collect and preserve information regarding
29 the use of the underground water and the practicability of
30 recharge of any underground water reservoir in the district;

31 (11) publish plans and information, bring them to

1 the notice and attention of the users of the underground
2 water in the district, and encourage their adoption and
3 execution;

4 (12) contract for, sell, and distribute water
5 from a water import authority or other agency; and

6 (13) contract with other districts ^{with} and have
7 powers similar to those of the district to achieve common
8 goals.

9 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as
10 provided by this Act, the administrative and procedural
11 provisions of Chapters 51 and 52, Water Code, apply to the
12 district.

13 SECTION 7. INITIAL DIRECTORS. (a) The members of the
14 initial board of directors are:

- 15 (1) Scott Bledsoe III ;
16 (2) Robert W. Hinnant ;
17 (3) Henry E. (Ike) Houdman ;
18 (4) Mark G. Riser; and
19 (5) William H. Wieding

20 (b) The initial members of the board shall serve until
21 their successors have been elected and have qualified.

22 (c) If any person appointed as one of the initial
23 directors fails to qualify for office, the commissioners
24 court shall appoint another person to fill the position. *JS*

25 SECTION 8. CONFIRMATION OF DISTRICT. (a) The
26 legislature finds that all of the land included within the
27 boundaries of the district will be benefited and that the
28 district is created to serve a public use and benefit.

29 (b) Within 30 days after the effective date of this
30 Act and without the necessity of having a petition
31 presented, the initial board of directors shall call an

1 election to be held in the district for the purpose of
2 confirming the organization of ^{the} district, provided the
3 election is not held sooner than 60 days nor later than 90
4 days after the election is ordered.

5 (c) The ballot for the election shall be printed to
6 provide for voting for or against the following
7 propositions:

- 8 (1) the creation of the ^{Brush Country} ~~Live Oak County~~
9 Underground Water Conservation District; and
10 (2) the levy and collection of a property tax in
11 the district.

12 (d) The initial board of directors may include any
13 other propositions on the ballot that it considers
14 necessary.

15 (e) The ballot also shall provide for election of
16 directors for the district. A person who desires to have
17 his name printed on the ballot as a candidate for director
18 shall file a petition with the initial board of directors
19 before the 30th day preceding the date of the election. If
20 a person is a candidate for director from a particular
21 commissioner's precinct, he shall designate the
22 commissioner's precinct that he desires to represent.

23 (f) Only qualified electors who reside in the district
24 are ^{5/16} qualified to vote in the election.

25 (g) Notice of the election shall be published at least
26 twice in a newspaper of general circulation in the district, ^{once}
27 at least 30 days and ^{once} at least 10 days ^{but less than 30} ~~respectively~~ before
28 the date of the election.

29 (h) Returns of the result of the election shall be
30 made to the initial board of directors of the district, and
31 the directors shall canvass those returns and declare the

1 results of the election.

2 (i) No hearings may be held to determine whether any
3 land included within the boundaries of the district should
4 be excluded.

5 SECTION 9. TAXES AND BONDS. The tax and bond
6 provisions of Chapters 51 and 52, Water Code, apply to the
7 district.

8 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G,
9 Chapter 52, Water Code, applies to dissolution of the
10 district.

11 SECTION 11. ANNEXATION. Additional territory may be
12 added to the district as provided by Chapter 51, Water Code.
13 The board of directors shall determine to which precinct the
14 annexed land will be added for purposes of election of
15 directors.

16 SECTION 12. DIRECTOR ELECTIONS. (a) The district
17 shall be governed by a board of directors that consists of
18 five directors.

19 (b) To be qualified for election as a director, a
20 person must be a resident of the district and be at least 18
21 years of age.

22 (c) One director shall be elected from each county
23 commissioners precinct in Live Oak County, and one director
24 shall be elected from the district at large. To represent a
25 commissioners precinct, the director must be a resident of
26 the precinct.

27 (d) Directors serve staggered four-year terms.

28 (e) After the election of the directors at the
29 confirmation election held under Section 8 of this Act,
30 regular elections for a portion of the board of directors
31 shall be held in each even-numbered year. The directors

1 elected from commissioners' precincts 1 and 3 and the
2 director elected at large at the confirmation election shall
3 serve as directors until the first regular meeting of the
4 board after the second regular election of directors, and the
5 directors elected from commissioners' precincts 2 and 4 at
6 the confirmation election shall serve until the first
7 regular meeting of the board after the first regular election
8 of directors.

9 SECTION 13. STATUTORY INTERPRETATION. If there is a
10 conflict between this Act and Chapter 51 or 52, Water Code,
11 this Act controls. If there is a conflict between the
12 application of Chapter 51, ~~Water Code~~ and Chapter 52, Water
13 Code, to the district, Chapter 52 controls.

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

1 By: Zaffirini S.B. No. 1675
 2 (In the Senate - Filed April 12, 1989; April 12, 1989, read
 3 first time and referred to Committee on Natural Resources;
 4 April 27, 1989, reported favorably by the following vote: Yeas 8,
 5 Nays 0; April 27, 1989, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7				
8				x
9	x			
10	x			
11	x			
12				x
13	x			
14	x			
15	x			
16	x			
17				x
18	x			

19 A BILL TO BE ENTITLED
 20 AN ACT

21 relating to the creation, administration, powers, duties,
 22 operation, and financing of the Live Oak County Underground Water
 23 Conservation District, including the authority to levy taxes and
 24 issue bonds.

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

26 SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section
 27 59, of the Texas Constitution, the Live Oak County Underground
 28 Water Conservation District is created as a governmental agency and
 29 body politic and corporate, authorized to exercise the powers
 30 essential to the accomplishment of the purposes of that
 31 constitutional provision and to exercise the rights, powers,
 32 duties, privileges, and functions provided by this Act and by
 33 Chapters 51 and 52, Water Code, and by other laws of this state
 34 relating to underground water conservation districts.

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 36 Live Oak County Underground Water Conservation District.

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 38 of the territory located in Live Oak County.

39 SECTION 4. PURPOSE OF DISTRICT. The district is created to
 40 provide for the conservation, preservation, protection, recharge,
 41 and prevention of waste of the underground water reservoirs located
 42 under district land consistent with the objectives of Article XVI,
 43 Section 59, of the Texas Constitution and Chapters 51 and 52, Water
 44 Code.

45 SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may
 46 exercise the powers, rights, privileges, and functions permitted by
 47 Chapters 51 and 52, Water Code, and may:

48 (1) make and enforce rules to provide for conserving,
 49 preserving, protecting, recharging, and preventing waste of the
 50 water from the underground water reservoirs;

51 (2) enforce its rules by injunction, mandatory
 52 injunction, or other appropriate remedies in a court of competent
 53 jurisdiction;

54 (3) require permits for the drilling, equipping, and
 55 completion of wells on the underground water reservoirs in the
 56 district and issue permits that include terms and provisions with
 57 reference to the drilling, equipping, and completion of the wells
 58 that are necessary to prevent waste or to conserve, preserve, and
 59 protect underground water;

60 (4) provide for the spacing of wells producing from
 61 the underground water reservoirs in the district and regulate the
 62 production from those wells to minimize as far as practicable the
 63 drawdown of the water table or the reduction of the artesian
 64 pressure; provided, the owner of the land or his heirs, assigns, and
 65 lessees are not denied a permit to drill a well on their land and
 66 the right to produce underground water from that well subject to

1 rules adopted under this Act;

2 (5) require records to be kept and reports to be made
3 of the drilling, equipping, and completion of wells into any
4 underground water reservoir in the district and the taking and use
5 of underground water from those reservoirs and require accurate
6 driller's logs to be kept of those wells and a copy of those logs
7 and of any electric logs that may be made of the wells to be filed
8 with the district;

9 (6) acquire land for the erection of dams and for the
10 purpose of draining lakes, draws, and depressions; construct dams,
11 drain lakes, depressions, draws, and creeks; and install pumps and
12 other equipment necessary to recharge any underground water
13 reservoirs in the district;

14 (7) have made by registered professional engineers
15 surveys of the underground water of any underground water reservoir
16 in the district and of the facilities for the development,
17 production, and use of that underground water and determine the
18 quantity of the underground water available for the production and
19 use and the improvements, developments, and recharges needed for
20 those underground water reservoirs;

21 (8) develop comprehensive plans for the most efficient
22 use of the underground water of any underground water reservoir in
23 the district and for the control and prevention of waste of that
24 underground water, with the plans to specify in the amount of
25 detail that may be practicable, the acts, procedure, performance,
26 and avoidance that are or may be necessary to carry out those
27 plans, including specifications;

28 (9) carry out research projects, develop information,
29 and determine limitations, if any, that should be made on the
30 withdrawal of underground water from any underground water
31 reservoir in the district;

32 (10) collect and preserve information regarding the
33 use of the underground water and the practicability of recharge of
34 any underground water reservoir in the district;

35 (11) publish plans and information, bring them to the
36 notice and attention of the users of the underground water in the
37 district, and encourage their adoption and execution;

38 (12) contract for, sell, and distribute water from a
39 water import authority or other agency; and

40 (13) contract with other districts with powers similar
41 to those of the district to achieve common goals.

42 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
43 this Act, the administrative and procedural provisions of Chapters
44 51 and 52, Water Code, apply to the district.

45 SECTION 7. INITIAL DIRECTORS. (a) The members of the
46 initial board of directors are:

- 47 (1) Scott Bledsoe III;
- 48 (2) Robert W. Hinnant;
- 49 (3) Henry E. (Ike) Houdman;
- 50 (4) Mark G. Riser; and
- 51 (5) William H. Wieding

52 (b) The initial members of the board shall serve until their
53 successors have been elected and have qualified.

54 (c) If any person appointed as one of the initial directors
55 fails to qualify for office, the commissioners court shall appoint
56 another person to fill the position.

57 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
58 finds that all of the land included within the boundaries of the
59 district will be benefited and that the district is created to
60 serve a public use and benefit.

61 (b) Within 30 days after the effective date of this Act and
62 without the necessity of having a petition presented, the initial
63 board of directors shall call an election to be held in the
64 district for the purpose of confirming the organization of the
65 district, provided the election is not held sooner than 60 days nor
66 later than 90 days after the election is ordered.

67 (c) The ballot for the election shall be printed to provide
68 for voting for or against the following propositions:

69 (1) the creation of the Live Oak County Underground
70 Water Conservation District; and

1 (2) the levy and collection of a property tax in the
2 district.

3 (d) The initial board of directors may include any other
4 propositions on the ballot that it considers necessary.

5 (e) The ballot also shall provide for election of directors
6 for the district. A person who desires to have his name printed on
7 the ballot as a candidate for director shall file a petition with
8 the initial board of directors before the 30th day preceding the
9 date of the election. If a person is a candidate for director from
10 a particular commissioner precinct, he shall designate the
11 commissioner precinct that he desires to represent.

12 (f) Only qualified electors who reside in the district are
13 qualified to vote in the election.

14 (g) Notice of the election shall be published at least twice
15 in a newspaper of general circulation in the district, once at
16 least 30 days and once at least 10 days but less than 30 before the
17 date of the election.

18 (h) Returns of the result of the election shall be made to
19 the initial board of directors of the district, and the directors
20 shall canvass those returns and declare the results of the
21 election.

22 (i) No hearings may be held to determine whether any land
23 included within the boundaries of the district should be excluded.

24 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
25 Chapters 51 and 52, Water Code, apply to the district.

26 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
27 52, Water Code, applies to dissolution of the district.

28 SECTION 11. ANNEXATION. Additional territory may be added
29 to the district as provided by Chapter 51, Water Code. The board
30 of directors shall determine to which precinct the annexed land
31 will be added for purposes of election of directors.

32 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
33 governed by a board of directors that consists of five directors.

34 (b) To be qualified for election as a director, a person
35 must be a resident of the district and be at least 18 years of age.

36 (c) One director shall be elected from each county
37 commissioner precinct in Live Oak County, and one director shall be
38 elected from the district at large. To represent a commissioner
39 precinct, the director must be a resident of the precinct.

40 (d) Directors serve staggered four-year terms.

41 (e) After the election of the directors at the confirmation
42 election held under Section 8 of this Act, regular elections for a
43 portion of the board of directors shall be held in each
44 even-numbered year. The directors elected from commissioner
45 precincts 1 and 3 and the director elected at large at the
46 confirmation election shall serve as directors until the first
47 regular meeting of the board after the second regular election of
48 directors, and the directors elected from commissioner precincts 2
49 and 4 at the confirmation election shall serve until the first
50 regular meeting of the board after the first regular election of
51 directors.

52 SECTION 13. STATUTORY INTERPRETATION. If there is a
53 conflict between this Act and Chapter 51 or 52, Water Code, this
54 Act controls. If there is a conflict between the application of
55 Chapters 51 and 52, Water Code, to the district, Chapter 52
56 controls.

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

* * * * *

Austin, Texas
April 27, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1675, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Lyon, Vice-Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 19, 1989

APR 20 REC'D

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

In Re: Senate Bill No. 1675
By: Zaffirini

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1675 (relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, AL, SKM, CKM

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

47
4-26-89 / 2:30
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
SB 1675 by ZAFFIRINI have on APRIL 26, 1989, had the same
(measure) (sponsor) (hearing date)

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

- do pass and be printed
- do pass and be ordered not printed
- and is recommended for placement on the Local and Uncontested Bills Calendar.

- A fiscal note was requested. yes no
- A revised fiscal note was requested. yes no
- An actuarial analysis was requested. yes no
- Considered by subcommittee. yes no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman				✓
Lyon, Vice Chairman	✓			
Armbrister	✓			
Bivins	✓			
Brown				✓
Carriker	✓			
Montford	✓			
Ratliff	✓			
Sims	✓			
Uribe				✓
Zaffirini	✓			
TOTAL VOTES	8			3

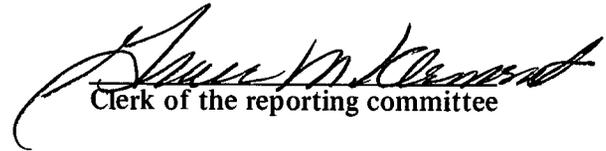
Grace M. Klement COMMITTEE CLERK [Signature] CHAIRMAN

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 1675, by: F. Allison,
was heard by the Committee on Natural Resources on 4-26, 1989,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.


Clerk of the reporting committee

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

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

May 4, 1989 Engrossed
Lacey Spaw
Engrossing Clerk

1989 MAY -9 PM 3:13

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct
copy of SB 1675 which was
received from the Senate on 5-5-89 and
referred to the Committee on Nature Resources
Betty M...
Chief Clerk of the House

By: Zaffirini
(Edge)

S.B. No. 1675

A BILL TO BE ENTITLED

AN ACT

1 relating to the creation, administration, powers, duties,
2 operation, and financing of the Live Oak County Underground Water
3 Conservation District, including the authority to levy taxes and
4 issue bonds.
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6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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9 Water Conservation District is created as a governmental agency and
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11 essential to the accomplishment of the purposes of that
12 constitutional provision and to exercise the rights, powers,
13 duties, privileges, and functions provided by this Act and by
14 Chapters 51 and 52, Water Code, and by other laws of this state
15 relating to underground water conservation districts.

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5 preserving, protecting, recharging, and preventing waste of the
6 water from the underground water reservoirs;

7 (2) enforce its rules by injunction, mandatory
8 injunction, or other appropriate remedies in a court of competent
9 jurisdiction;

10 (3) require permits for the drilling, equipping, and
11 completion of wells on the underground water reservoirs in the
12 district and issue permits that include terms and provisions with
13 reference to the drilling, equipping, and completion of the wells
14 that are necessary to prevent waste or to conserve, preserve, and
15 protect underground water;

16 (4) provide for the spacing of wells producing from
17 the underground water reservoirs in the district and regulate the
18 production from those wells to minimize as far as practicable the
19 drawdown of the water table or the reduction of the artesian
20 pressure; provided, the owner of the land or his heirs, assigns,
21 and lessees are not denied a permit to drill a well on their land
22 and the right to produce underground water from that well subject
23 to rules adopted under this Act;

24 (5) require records to be kept and reports to be made
25 of the drilling, equipping, and completion of wells into any
26 underground water reservoir in the district and the taking and use

1 of underground water from those reservoirs and require accurate
2 driller's logs to be kept of those wells and a copy of those logs
3 and of any electric logs that may be made of the wells to be filed
4 with the district;

5 (6) acquire land for the erection of dams and for the
6 purpose of draining lakes, draws, and depressions; construct dams,
7 drain lakes, depressions, draws, and creeks; and install pumps and
8 other equipment necessary to recharge any underground water
9 reservoirs in the district;

10 (7) have made by registered professional engineers
11 surveys of the underground water of any underground water reservoir
12 in the district and of the facilities for the development,
13 production, and use of that underground water and determine the
14 quantity of the underground water available for the production and
15 use and the improvements, developments, and recharges needed for
16 those underground water reservoirs;

17 (8) develop comprehensive plans for the most efficient
18 use of the underground water of any underground water reservoir in
19 the district and for the control and prevention of waste of that
20 underground water, with the plans to specify in the amount of
21 detail that may be practicable, the acts, procedure, performance,
22 and avoidance that are or may be necessary to carry out those
23 plans, including specifications;

24 (9) carry out research projects, develop information,
25 and determine limitations, if any, that should be made on the
26 withdrawal of underground water from any underground water

1 reservoir in the district;

2 (10) collect and preserve information regarding the
3 use of the underground water and the practicability of recharge of
4 any underground water reservoir in the district;

5 (11) publish plans and information, bring them to the
6 notice and attention of the users of the underground water in the
7 district, and encourage their adoption and execution;

8 (12) contract for, sell, and distribute water from a
9 water import authority or other agency; and

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25 fails to qualify for office, the commissioners court shall appoint
26 another person to fill the position.

1 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
2 finds that all of the land included within the boundaries of the
3 district will be benefited and that the district is created to
4 serve a public use and benefit.

5 (b) Within 30 days after the effective date of this Act and
6 without the necessity of having a petition presented, the initial
7 board of directors shall call an election to be held in the
8 district for the purpose of confirming the organization of the
9 district, provided the election is not held sooner than 60 days nor
10 later than 90 days after the election is ordered.

11 (c) The ballot for the election shall be printed to provide
12 for voting for or against the following propositions:

13 (1) the creation of the Live Oak County Underground
14 Water Conservation District; and

15 (2) the levy and collection of a property tax in the
16 district.

17 (d) The initial board of directors may include any other
18 propositions on the ballot that it considers necessary.

19 (e) The ballot also shall provide for election of directors
20 for the district. A person who desires to have his name printed on
21 the ballot as a candidate for director shall file a petition with
22 the initial board of directors before the 30th day preceding the
23 date of the election. If a person is a candidate for director from
24 a particular commissioner precinct, he shall designate the
25 commissioner precinct that he desires to represent.

26 (f) Only qualified electors who reside in the district are

1 qualified to vote in the election.

2 (g) Notice of the election shall be published at least twice
3 in a newspaper of general circulation in the district, once at
4 least 30 days and once at least 10 days but less than 30 before the
5 date of the election.

6 (h) Returns of the result of the election shall be made to
7 the initial board of directors of the district, and the directors
8 shall canvass those returns and declare the results of the
9 election.

10 (i) No hearings may be held to determine whether any land
11 included within the boundaries of the district should be excluded.

12 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
13 Chapters 51 and 52, Water Code, apply to the district.

14 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
15 52, Water Code, applies to dissolution of the district.

16 SECTION 11. ANNEXATION. Additional territory may be added
17 to the district as provided by Chapter 51, Water Code. The board
18 of directors shall determine to which precinct the annexed land
19 will be added for purposes of election of directors.

20 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
21 governed by a board of directors that consists of five directors.

22 (b) To be qualified for election as a director, a person
23 must be a resident of the district and be at least 18 years of age.

24 (c) One director shall be elected from each county
25 commissioner precinct in Live Oak County, and one director shall be
26 elected from the district at large. To represent a commissioner

1 precinct, the director must be a resident of the precinct.

2 (d) Directors serve staggered four-year terms.

3 (e) After the election of the directors at the confirmation
4 election held under Section 8 of this Act, regular elections for a
5 portion of the board of directors shall be held in each
6 even-numbered year. The directors elected from commissioner
7 precincts 1 and 3 and the director elected at large at the
8 confirmation election shall serve as directors until the first
9 regular meeting of the board after the second regular election of
10 directors, and the directors elected from commissioner precincts 2
11 and 4 at the confirmation election shall serve until the first
12 regular meeting of the board after the first regular election of
13 directors.

14 SECTION 13. STATUTORY INTERPRETATION. If there is a
15 conflict between this Act and Chapter 51 or 52, Water Code, this
16 Act controls. If there is a conflict between the application of
17 Chapters 51 and 52, Water Code, to the district, Chapter 52
18 controls.

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

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COMMITTEE AMENDMENT NO. 1

Amend SB 1675 as follows:

(1) On page 1, line 3 strike "Live Oak County" and insert "Brush Country".

(2) On page 1, line 17 strike "Live Oak County" and insert "Brush Country".

Yost

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 19, 1989

APR 20 1989

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

In Re: Senate Bill No. 1675
By: Zaffirini

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1675 (relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, AL, SKM, CKM

HOUSE COMMITTEE REPORT

89 MAY 16 AM 1:54

HOUSE OF REPRESENTATIVES

1st Printing

By: Zaffirini
(Edge)

S.B. No. 1675

A BILL TO BE ENTITLED

1

AN ACT

2

relating to the creation, administration, powers, duties,
3 operation, and financing of the Live Oak County Underground Water
4 Conservation District, including the authority to levy taxes and
5 issue bonds.

6

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

7

SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section

8

59, of the Texas Constitution, the Live Oak County Underground

9

Water Conservation District is created as a governmental agency and

10

body politic and corporate, authorized to exercise the powers

11

essential to the accomplishment of the purposes of that

12

constitutional provision and to exercise the rights, powers,

13

duties, privileges, and functions provided by this Act and by

14

Chapters 51 and 52, Water Code, and by other laws of this state

15

relating to underground water conservation districts.

16

SECTION 2. DEFINITION. In this Act, "district" means the

17

Live Oak County Underground Water Conservation District.

18

SECTION 3. BOUNDARY OF DISTRICT. The district includes all

19

of the territory located in Live Oak County.

20

SECTION 4. PURPOSE OF DISTRICT. The district is created to

21

provide for the conservation, preservation, protection, recharge,

22

and prevention of waste of the underground water reservoirs located

23

under district land consistent with the objectives of Article XVI,

24

Section 59, of the Texas Constitution and Chapters 51 and 52, Water

25

Code.

1 SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may
2 exercise the powers, rights, privileges, and functions permitted by
3 Chapters 51 and 52, Water Code, and may:

4 (1) make and enforce rules to provide for conserving,
5 preserving, protecting, recharging, and preventing waste of the
6 water from the underground water reservoirs;

7 (2) enforce its rules by injunction, mandatory
8 injunction, or other appropriate remedies in a court of competent
9 jurisdiction;

10 (3) require permits for the drilling, equipping, and
11 completion of wells on the underground water reservoirs in the
12 district and issue permits that include terms and provisions with
13 reference to the drilling, equipping, and completion of the wells
14 that are necessary to prevent waste or to conserve, preserve, and
15 protect underground water;

16 (4) provide for the spacing of wells producing from
17 the underground water reservoirs in the district and regulate the
18 production from those wells to minimize as far as practicable the
19 drawdown of the water table or the reduction of the artesian
20 pressure; provided, the owner of the land or his heirs, assigns,
21 and lessees are not denied a permit to drill a well on their land
22 and the right to produce underground water from that well subject
23 to rules adopted under this Act;

24 (5) require records to be kept and reports to be made
25 of the drilling, equipping, and completion of wells into any
26 underground water reservoir in the district and the taking and use

1 of underground water from those reservoirs and require accurate
2 driller's logs to be kept of those wells and a copy of those logs
3 and of any electric logs that may be made of the wells to be filed
4 with the district;

5 (6) acquire land for the erection of dams and for the
6 purpose of draining lakes, draws, and depressions; construct dams,
7 drain lakes, depressions, draws, and creeks; and install pumps and
8 other equipment necessary to recharge any underground water
9 reservoirs in the district;

10 (7) have made by registered professional engineers
11 surveys of the underground water of any underground water reservoir
12 in the district and of the facilities for the development,
13 production, and use of that underground water and determine the
14 quantity of the underground water available for the production and
15 use and the improvements, developments, and recharges needed for
16 those underground water reservoirs;

17 (8) develop comprehensive plans for the most efficient
18 use of the underground water of any underground water reservoir in
19 the district and for the control and prevention of waste of that
20 underground water, with the plans to specify in the amount of
21 detail that may be practicable, the acts, procedure, performance,
22 and avoidance that are or may be necessary to carry out those
23 plans, including specifications;

24 (9) carry out research projects, develop information,
25 and determine limitations, if any, that should be made on the
26 withdrawal of underground water from any underground water

1 reservoir in the district;

2 (10) collect and preserve information regarding the
3 use of the underground water and the practicability of recharge of
4 any underground water reservoir in the district;

5 (11) publish plans and information, bring them to the
6 notice and attention of the users of the underground water in the
7 district, and encourage their adoption and execution;

8 (12) contract for, sell, and distribute water from a
9 water import authority or other agency; and

10 (13) contract with other districts with powers similar
11 to those of the district to achieve common goals.

12 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
13 this Act, the administrative and procedural provisions of Chapters
14 51 and 52, Water Code, apply to the district.

15 SECTION 7. INITIAL DIRECTORS. (a) The members of the
16 initial board of directors are:

- 17 (1) Scott Bledsoe III;
18 (2) Robert W. Hinnant;
19 (3) Henry E. (Ike) Houdman;
20 (4) Mark G. Riser; and
21 (5) William H. Wieding

22 (b) The initial members of the board shall serve until their
23 successors have been elected and have qualified.

24 (c) If any person appointed as one of the initial directors
25 fails to qualify for office, the commissioners court shall appoint
26 another person to fill the position.

1 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
2 finds that all of the land included within the boundaries of the
3 district will be benefited and that the district is created to
4 serve a public use and benefit.

5 (b) Within 30 days after the effective date of this Act and
6 without the necessity of having a petition presented, the initial
7 board of directors shall call an election to be held in the
8 district for the purpose of confirming the organization of the
9 district, provided the election is not held sooner than 60 days nor
10 later than 90 days after the election is ordered.

11 (c) The ballot for the election shall be printed to provide
12 for voting for or against the following propositions:

13 (1) the creation of the Live Oak County Underground
14 Water Conservation District; and

15 (2) the levy and collection of a property tax in the
16 district.

17 (d) The initial board of directors may include any other
18 propositions on the ballot that it considers necessary.

19 (e) The ballot also shall provide for election of directors
20 for the district. A person who desires to have his name printed on
21 the ballot as a candidate for director shall file a petition with
22 the initial board of directors before the 30th day preceding the
23 date of the election. If a person is a candidate for director from
24 a particular commissioner precinct, he shall designate the
25 commissioner precinct that he desires to represent.

26 (f) Only qualified electors who reside in the district are

1 qualified to vote in the election.

2 (g) Notice of the election shall be published at least twice
3 in a newspaper of general circulation in the district, once at
4 least 30 days and once at least 10 days but less than 30 before the
5 date of the election.

6 (h) Returns of the result of the election shall be made to
7 the initial board of directors of the district, and the directors
8 shall canvass those returns and declare the results of the
9 election.

10 (i) No hearings may be held to determine whether any land
11 included within the boundaries of the district should be excluded.

12 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
13 Chapters 51 and 52, Water Code, apply to the district.

14 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
15 52, Water Code, applies to dissolution of the district.

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17 to the district as provided by Chapter 51, Water Code. The board
18 of directors shall determine to which precinct the annexed land
19 will be added for purposes of election of directors.

20 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
21 governed by a board of directors that consists of five directors.

22 (b) To be qualified for election as a director, a person
23 must be a resident of the district and be at least 18 years of age.

24 (c) One director shall be elected from each county
25 commissioner precinct in Live Oak County, and one director shall be
26 elected from the district at large. To represent a commissioner

1 precinct, the director must be a resident of the precinct.

2 (d) Directors serve staggered four-year terms.

3 (e) After the election of the directors at the confirmation
4 election held under Section 8 of this Act, regular elections for a
5 portion of the board of directors shall be held in each
6 even-numbered year. The directors elected from commissioner
7 precincts 1 and 3 and the director elected at large at the
8 confirmation election shall serve as directors until the first
9 regular meeting of the board after the second regular election of
10 directors, and the directors elected from commissioner precincts 2
11 and 4 at the confirmation election shall serve until the first
12 regular meeting of the board after the first regular election of
13 directors.

14 SECTION 13. STATUTORY INTERPRETATION. If there is a
15 conflict between this Act and Chapter 51 or 52, Water Code, this
16 Act controls. If there is a conflict between the application of
17 Chapters 51 and 52, Water Code, to the district, Chapter 52
18 controls.

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

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COMMITTEE AMENDMENT NO. 1

Amend SB 1675 as follows:

(1) On page 1, line 3 strike "Live Oak County" and insert "Brush Country".

(2) On page 1, line 17 strike "Live Oak County" and insert "Brush Country".

Yost

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 12, 1989

 (date)

Sir:
 We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 1675 have had the same under consideration and beg to report
 (measure)
 back with the recommendation that it

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

A fiscal note was requested. yes no An actuarial analysis was requested. yes no

An author's fiscal statement was requested. yes no

A criminal justice policy impact statement was prepared. yes no

A water development policy impact statement was requested. yes no

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

This measure proposes new law. amends existing law.

House Sponsor of Senate Measure Edge

The measure was reported from Committee by the following vote:

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

Total
7 aye
0 nay
0 present, not voting
2 absent

Terral
 CHAIRMAN
Deborah K. Wall
 COMMITTEE COORDINATOR

BILL ANALYSIS

Background

It is believed that creation of the Live Oak County Underground Water Conservation District would be of benefit to the residents of the area.

Purpose of the Bill

This bill creates the district and provides for its' 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 Live Oak 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 under Article XVI, Section 59 of the Texas Constitution, subject to commission oversight.

Section 7. Provides for a five member board of directors elected by Commissioners precinct, and serving staggered four year terms. Provides for additional terms and conditions of service.

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

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

Section 10. Provides for regular directors' elections on the first Saturday in May of every second year after district creation.

Section 11. Provides additional powers to sell or distribute water from a water import authority, to contract with other districts, and to annex additional territory.

Section 12. Findings of compliance with notice requirements.

Section 13. Emergency clause.

Rulemaking Authority

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

Summary of Committee Action

SB 1675 was considered in formal meeting on May 12, 1989. Representative Yost offered an amendment to the bill to change the name of the district to the "Brush Country Underground Water Conservation District". The amendment was adopted without objection. The motion to report SB 1675 favorably, with amendment, to the full House for placement on the consent calendar carried with a vote of 7 ayes, 0 nays, 0 PNV, and 2 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 19, 1989

APR 20 1989

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

In Re: Senate Bill No. 1675
By: Zaffirini

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1675 (relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, AL, SKM, CKM

4

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 12, 1989

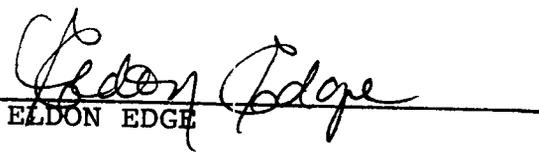
The Honorable Terrell Smith
Chairman-Natural Resources Cmte.
Reagan Bldg., Room 214

Re: Author's fiscal statement: SB 1675
relating to the creation, administration, powers,
duties, operation, and financing of the Brush
Country Underground Water District, including
the authority to levy taxes and issue bonds.

Mr. Chairman:

In response to your request for an author's fiscal
statement on SB 1675, I have determined the following:

1. Cost to state Govt.: no fiscal implication
is anticipated (per TX Water Commission)
2. Cost to Live Oak Co. Govt.: A confirmation
and directors election generally costs the
local district between \$1,000 and \$5,000,
depending on the costs of legal fees and
notices. Under Water Code 52, these costs
would be considered as organization costs
and may be paid from the first bond issue,
maintenance taxes, or other revenues of the
district.


ELDON EDGE

5

Committees: Agriculture, Public Education

TEXAS WATER COMMISSION

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



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

April 25, 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. 1675) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Live Oak County Underground Water Conservation District

Dear Governor Clements:

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

Sincerely,

JEFF KLOSTER
FOR

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
Senator Judith Zaffirini, State Senate
Representative Eldon Edge, House of Representatives

6

TEXAS WATER COMMISSION

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



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

April 25, 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. 1675) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Live Oak County Underground Water Conservation District

Dear Lieutenant Governor Hobby:

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,

JEFF KLOSTER

For
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
Senator Judith Zaffirini, State Senate
Representative Eldon Edge, House of Representatives

7

TEXAS WATER COMMISSION

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



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

April 25, 1989

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

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

Bill No. (S.B. 1675) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Live Oak County Underground Water Conservation District

Dear Speaker Lewis:

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

Sincerely,

JEFF KOSTER

For
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
Senator Judith Zaffirini, State Senate
Representative Eldon Edge, House of Representatives

8

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE LIVE OAK COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for Senate Bill 1675 (S.B. 1675) relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District follow.

Wells located within the limits of this proposed district, which encompasses all of Live Oak County, utilize the Gulf Coast aquifer. Its principal water-bearing units are the Goliad, Willis, and Lissie Formations. All of these sandstones are in hydrologic continuity and they collectively form a large leaky artesian system. Available data do not indicate that there is hydrogeologic justification for the proposed district's boundaries. This county is not currently involved in the state's critical area process.

S.B. 1675 provides that the proposed district would have the rights, powers, duties, privileges, and functions provided by this act and by Chapters 51 and 52, Texas Water Code, and by other laws of this state relating to underground water conservation districts. The purpose of the district is to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Texas Water Code. This bill is believed to have been intended as a companion bill to House Bill 3118, however, it goes into greater detail and has slightly different powers. Specific impact statements related to the required headings follow.

- 1) **Population projections** - The proposed District is coterminous with the boundaries of Live Oak County. The Board's current projected population

for Live Oak County indicates an anticipated increase in population ranging from 707 to 1,068 over the next 20 years.

- 2) **District finances** - The tax and bond provisions of Chapter 51 and 52, Texas Water Code apply and the district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors, all of which must be residents of their precinct within the district and at least 18 years of age. the bill provides for two sets of board of directors. These are the initial directors and the (permanent?) directors. The initial directors are listed in the act and they shall serve until their successors have been elected and have qualified. In the event one fails to qualify, the commissioner's court shall appoint a person to fill the position.

Within 30 days after the effective date of the act, the initial board shall call an election for the purposes of confirming the organization of the district. This election cannot be held sooner than 60 days nor later than 90 days after the election is ordered. Only qualified electors who reside in the district are qualified to vote. The ballot shall be printed to provide for voting for or against the following propositions: 1) creation of the district, 2) the levy and collection of a property tax; and 3) any other propositions that the initial board considers necessary. The ballot shall also provide for the election of (permanent?) directors of the district. A person who desires to have his name printed on the ballot as a candidate for (permanent?) director shall file a petition with the initial board before the 30th day preceding the date of the election. If the person desires to represent a particular precinct, he must designate the precinct he is to

represent. No hearings may be held to determine whether any land should be excluded from the district. Notice of the election shall be published at least twice in a newspaper at least 30 days and 10 days before the date of the election. Election return results shall be made to the initial board and they shall canvass these and declare the results of the election.

After the election of the (permanent?) directors at the confirmation election, regular elections for a portion of the board shall be held each even-numbered year. Directors elected from commissioner's precincts 1 and 3 as well as the director elected at large during the confirmation election, shall serve as directors until the first regular meeting of the board after the second regular election of directors. The directors elected from commissioner's precincts 2 and 4 at the confirmation election, shall serve until the first regular meeting of the board after the first regular election of directors. Therefore, the directors serve staggered four-year terms.

Since the bill proposes the creation of an underground water conservation district, it will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapter 51 and 52, Texas Water Code, applicable to those districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. If this act is in conflict with Chapters 51 or 52, Texas Water Code, the act prevails. If there is conflict between the application of Chapter 51, Texas Water Code, and Chapter 52, Chapter 52 prevails.

The bill sets out numerous other specific authorities, powers, and duties already authorized in Chapter 52, Texas Water Code. Specific sections which are included in great detail are found in Sections 52.151, 52.153, 52.155, 52.159-166, and 52.169.

Other additional authority is specifically set out in the bill. The district may also: 1) contract for, sell, and distribute water from a water import authority or other agency; and 2) contract with other districts and have powers similar to those of the districts, to achieve common goals. (This is in error and should read "districts which have similar powers as this district.")

- 4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the District agrees with the State Water Plan objective of local groundwater management to promote more efficient use of groundwater resources.
- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Subchapter A, Section 50.001 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

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

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

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.

- 7) **Exclusion of land from district** - This bill contains a specific provision stating that no hearings may be held to determine whether any land included within the boundaries of the district should be excluded.
- 8) **Adequacy of the boundary description** - The district includes all of the area located within Live Oak County, therefore, the boundary description is adequate. This county lies within the jurisdiction of the Nueces River Authority. The Three Rivers Water District also operates in the vicinity of that city. There are no apparent conflicts between these entities.
- 9) **Comment on powers and duties different from similar types of districts** - This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 51 and 52, Texas Water Code, related to these districts.

The Commission is unsure of the legislative intent of the provision preventing hearings for the exclusion of lands within the boundary of the district.

In addition, the precise nature of Chapter 51, Texas Water Code, powers granted to this district are unclear.

Typically, underground water conservation districts created as general law districts mention the control of subsidence as one of the general purposes of the district.

ADOPTED

MAY 16 1989

Betty M. Massey
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO. 1

BY Yost

1 Amend SE 1675 as follows:

2

3 ✓(1) On page 1, line 3 strike "Live Oak County" and
4 insert "Brush Country".

5

* p. 1 l. 7

6

7 ✓(2) On page 1, line 17 strike "Live Oak County" and
insert "Brush Country".

** p. 5 l. 8

House Am. #1
5-19-89

Enrolled *May 18, 1989*
Lacey Daw
Enrolling Clerk

S.B. No. 1675

1 AN ACT
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Brush Country Underground Water
4 Conservation District, including the authority to levy taxes and
5 issue bonds.

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

7 SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section
8 59, of the Texas Constitution, the Brush Country Underground Water
9 Conservation District is created as a governmental agency and body
10 politic and corporate, authorized to exercise the powers essential
11 to the accomplishment of the purposes of that constitutional
12 provision and to exercise the rights, powers, duties, privileges,
13 and functions provided by this Act and by Chapters 51 and 52, Water
14 Code, and by other laws of this state relating to underground water
15 conservation districts.

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

18 SECTION 3. BOUNDARY OF DISTRICT. The district includes all
19 of the territory located in Live Oak County.

20 SECTION 4. PURPOSE OF DISTRICT. The district is created to
21 provide for the conservation, preservation, protection, recharge,
22 and prevention of waste of the underground water reservoirs located
23 under district land consistent with the objectives of Article XVI,
24 Section 59, of the Texas Constitution and Chapters 51 and 52, Water
25 Code.

1 SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may
2 exercise the powers, rights, privileges, and functions permitted by
3 Chapters 51 and 52, Water Code, and may:

4 (1) make and enforce rules to provide for conserving,
5 preserving, protecting, recharging, and preventing waste of the
6 water from the underground water reservoirs;

7 (2) enforce its rules by injunction, mandatory
8 injunction, or other appropriate remedies in a court of competent
9 jurisdiction;

10 (3) require permits for the drilling, equipping, and
11 completion of wells in the underground water reservoirs in the
12 district and issue permits that include terms and provisions with
13 reference to the drilling, equipping, and completion of the wells
14 that are necessary to prevent waste or to conserve, preserve, and
15 protect underground water;

16 (4) provide for the spacing of wells producing from
17 the underground water reservoirs in the district and regulate the
18 production from those wells to minimize as far as practicable the
19 drawdown of the water table or the reduction of the artesian
20 pressure; provided, the owner of the land or his heirs, assigns,
21 and lessees are not denied a permit to drill a well on their land
22 and the right to produce underground water from that well subject
23 to rules adopted under this Act;

24 (5) require records to be kept and reports to be made
25 of the drilling, equipping, and completion of wells into any
26 underground water reservoir in the district and the taking and use

page 12

1 of underground water from those reservoirs and require accurate
2 driller's logs to be kept of those wells and a copy of those logs
3 and of any electric logs that may be made of the wells to be filed
4 with the district;

5 (6) acquire land for the erection of dams and for the
6 purpose of draining lakes, draws, and depressions; construct dams,
7 drain lakes, depressions, draws, and creeks; and install pumps and
8 other equipment necessary to recharge any underground water
9 reservoirs in the district;

10 (7) have made by registered professional engineers
11 surveys of the underground water of any underground water reservoir
12 in the district and of the facilities for the development,
13 production, and use of that underground water and determine the
14 quantity of the underground water available for the production and
15 use and the improvements, developments, and recharges needed for
16 those underground water reservoirs;

17 (8) develop comprehensive plans for the most efficient
18 use of the underground water of any underground water reservoir in
19 the district and for the control and prevention of waste of that
20 underground water, with the plans to specify in the amount of
21 detail that may be practicable, the acts, procedure, performance,
22 and avoidance that are or may be necessary to carry out those
23 plans, including specifications;

24 (9) carry out research projects, develop information,
25 and determine limitations, if any, that should be made on the
26 withdrawal of underground water from any underground water

1 reservoir in the district;

2 (10) collect and preserve information regarding the
3 use of the underground water and the practicability of recharge of
4 any underground water reservoir in the district;

5 (11) publish plans and information, bring them to the
6 notice and attention of the users of the underground water in the
7 district, and encourage their adoption and execution;

8 (12) contract for, sell, and distribute water from a
9 water import authority or other agency; and

10 (13) contract with other districts with powers similar
11 to those of the district to achieve common goals.

12 SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by
13 this Act, the administrative and procedural provisions of Chapters
14 51 and 52, Water Code, apply to the district.

15 SECTION 7. INITIAL DIRECTORS. (a) The members of the
16 initial board of directors are:

- 17 (1) Scott Bledsoe III;
- 18 (2) Robert W. Hinnant;
- 19 (3) Henry E. (Ike) Houdman;
- 20 (4) Mark G. Riser; and
- 21 (5) William H. Wieding

22 (b) The initial members of the board shall serve until their
23 successors have been elected and have qualified.

24 (c) If any person appointed as one of the initial directors
25 fails to qualify for office, the commissioners court shall appoint
26 another person to fill the position.

1 SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature
2 finds that all of the land included within the boundaries of the
3 district will be benefited and that the district is created to
4 serve a public use and benefit.

5 (b) Within 30 days after the effective date of this Act and
6 without the necessity of having a petition presented, the initial
7 board of directors shall call an election to be held in the
8 district for the purpose of confirming the organization of the
9 district, provided the election is not held sooner than 60 days nor
10 later than 90 days after the election is ordered.

11 (c) The ballot for the election shall be printed to provide
12 for voting for or against the following propositions:

13 (1) the creation of the Brush Country Underground
14 Water Conservation District; and

15 (2) the levy and collection of a property tax in the
16 district.

17 (d) The initial board of directors may include any other
18 propositions on the ballot that it considers necessary.

19 (e) The ballot also shall provide for election of directors
20 for the district. A person who desires to have his name printed on
21 the ballot as a candidate for director shall file a petition with
22 the initial board of directors before the 30th day preceding the
23 date of the election. If a person is a candidate for director from
24 a particular commissioner precinct, he shall designate the
25 commissioner precinct that he desires to represent.

26 (f) Only qualified electors who reside in the district are

1 qualified to vote in the election.

2 (g) Notice of the election shall be published at least twice
3 in a newspaper of general circulation in the district, once at
4 least 30 days and once at least 10 days but less than 30 before the
5 date of the election.

6 (h) Returns of the result of the election shall be made to
7 the initial board of directors of the district, and the directors
8 shall canvass those returns and declare the results of the
9 election.

10 (i) No hearings may be held to determine whether any land
11 included within the boundaries of the district should be excluded.

12 SECTION 9. TAXES AND BONDS. The tax and bond provisions of
13 Chapters 51 and 52, Water Code, apply to the district.

14 SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter
15 52, Water Code, applies to dissolution of the district.

16 SECTION 11. ANNEXATION. Additional territory may be added
17 to the district as provided by Chapter 51, Water Code. The board
18 of directors shall determine to which precinct the annexed land
19 will be added for purposes of election of directors.

20 SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be
21 governed by a board of directors that consists of five directors.

22 (b) To be qualified for election as a director, a person
23 must be a resident of the district and be at least 18 years of age.

24 (c) One director shall be elected from each county
25 commissioner precinct in Live Oak County, and one director shall be
26 elected from the district at large. To represent a commissioner

1 precinct, the director must be a resident of the precinct.

2 (d) Directors serve staggered four-year terms.

3 (e) After the election of the directors at the confirmation
4 election held under Section 8 of this Act, regular elections for a
5 portion of the board of directors shall be held in each
6 even-numbered year. The directors elected from commissioner
7 precincts 1 and 3 and the director elected at large at the
8 confirmation election shall serve as directors until the first
9 regular meeting of the board after the second regular election of
10 directors, and the directors elected from commissioner precincts 2
11 and 4 at the confirmation election shall serve until the first
12 regular meeting of the board after the first regular election of
13 directors.

14 SECTION 13. STATUTORY INTERPRETATION. If there is a
15 conflict between this Act and Chapter 51 or 52, Water Code, this
16 Act controls. If there is a conflict between the application of
17 Chapters 51 and 52, Water Code, to the district, Chapter 52
18 controls.

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

page 30

S.B. No. 1675

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1675 passed the Senate on May 4, 1989, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 18, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1675 passed the House, with amendment, on May 16, 1989, by the following vote: Yeas 145, Nays 0.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 19, 1989

APR 20 1989 REC'D

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

In Re: Senate Bill No. 1675
By: Zaffirini

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1675 (relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, AL, SKM, CKM

LEGAL NOTICE

It is the intent of the citizens of Live Oak County to present to the 71st session of the Texas Legislature a bill to create a Live Oak County Underground Water Conservation District to be voted on by the citizens of Live Oak County. 3-1-1c

Ho
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SB 1675

PUBLISHER'S AFFIDAVIT

State of Texas
County of Live Oak

Before me on this day appeared personally Collis D. Sellman, Publisher of The Progress, a newspaper published in Live Oak County, Texas, and having a general circulation in that county, who being by me duly sworn, deposes and says:

That the following notice was published in said newspaper on:

----- March 1, 1989 -----

Collis D. Sellman
(Signature)

Subscribed and sworn to before me this the 5th day of April, 1989

Bela Green
(Notary Public in and for Live Oak County, Texas)

My commission expires 10-17-92

Texas House of Representatives



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

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

STATE REPRESENTATIVE

Eldon Edge

May 12, 1989

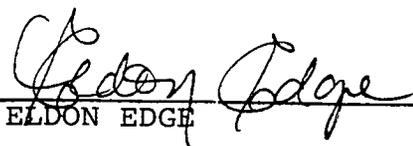
The Honorable Terrell Smith
Chairman-Natural Resources Cmte.
Reagan Bldg., Room 214

Re: Author's fiscal statement: SB 1675
relating to the creation, administration, powers,
duties, operation, and financing of the Brush
Country Underground Water District, including
the authority to levy taxes and issue bonds.

Mr. Chairman:

In response to your request for an author's fiscal
statement on SB 1675, I have determined the following:

1. Cost to state Govt.: no fiscal implication
is anticipated (per TX Water Commission)
2. Cost to Live Oak Co. Govt.: A confirmation
and directors election generally costs the
local district between \$1,000 and \$5,000,
depending on the costs of legal fees and
notices. Under Water Code 52, these costs
would be considered as organization costs
and may be paid from the first bond issue,
maintenance taxes, or other revenues of the
district.


ELDON EDGE

TEXAS WATER COMMISSION

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



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

April 25, 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. 1675) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Live Oak County Underground Water Conservation District

Dear Governor Clements:

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

Sincerely,

JEFF KLOSTER
For
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
Senator Judith Zaffirini, State Senate
Representative Eldon Edge, House of Representatives

TEXAS WATER COMMISSION

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



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

April 25, 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. 1675) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Live Oak County Underground Water Conservation District

Dear Lieutenant Governor Hobby:

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,

JEFF KLOSTER

For
Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
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House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
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Representative Eldon Edge, House of Representatives

TEXAS WATER COMMISSION

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



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

April 25, 1989

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

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

Bill No. (S.B. 1675) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Live Oak County Underground Water Conservation District

Dear Speaker Lewis:

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

Sincerely,

JEFF KOSIEN

^{For}
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
Senator Judith Zaffirini, State Senate
Representative Eldon Edge, House of Representatives

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE LIVE OAK COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for Senate Bill 1675 (S.B. 1675) relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District follow.

Wells located within the limits of this proposed district, which encompasses all of Live Oak County, utilize the Gulf Coast aquifer. Its principal water-bearing units are the Goliad, Willis, and Lissie Formations. All of these sandstones are in hydrologic continuity and they collectively form a large leaky artesian system. Available data do not indicate that there is hydrogeologic justification for the proposed district's boundaries. This county is not currently involved in the state's critical area process.

S.B. 1675 provides that the proposed district would have the rights, powers, duties, privileges, and functions provided by this act and by Chapters 51 and 52, Texas Water Code, and by other laws of this state relating to underground water conservation districts. The purpose of the district is to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Texas Water Code. This bill is believed to have been intended as a companion bill to House Bill 3118, however, it goes into greater detail and has slightly different powers. Specific impact statements related to the required headings follow.

- 1) **Population projections** - The proposed District is coterminous with the boundaries of Live Oak County. The Board's current projected population

for Live Oak County indicates an anticipated increase in population ranging from 707 to 1,068 over the next 20 years.

- 2) **District finances** - The tax and bond provisions of Chapter 51 and 52, Texas Water Code apply and the district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.

- 3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors, all of which must be residents of their precinct within the district and at least 18 years of age. the bill provides for two sets of board of directors. These are the initial directors and the (permanent?) directors. The initial directors are listed in the act and they shall serve until their successors have been elected and have qualified. In the event one fails to qualify, the commissioner's court shall appoint a person to fill the position.

Within 30 days after the effective date of the act, the initial board shall call an election for the purposes of confirming the organization of the district. This election cannot be held sooner than 60 days nor later than 90 days after the election is ordered. Only qualified electors who reside in the district are qualified to vote. The ballot shall be printed to provide for voting for or against the following propositions: 1) creation of the district, 2) the levy and collection of a property tax; and 3) any other propositions that the initial board considers necessary. The ballot shall also provide for the election of (permanent?) directors of the district. A person who desires to have his name printed on the ballot as a candidate for (permanent?) director shall file a petition with the initial board before the 30th day preceding the date of the election. If the person desires to represent a particular precinct, he must designate the precinct he is to

represent. No hearings may be held to determine whether any land should be excluded from the district. Notice of the election shall be published at least twice in a newspaper at least 30 days and 10 days before the date of the election. Election return results shall be made to the initial board and they shall canvass these and declare the results of the election.

After the election of the (permanent?) directors at the confirmation election, regular elections for a portion of the board shall be held each even-numbered year. Directors elected from commissioner's precincts 1 and 3 as well as the director elected at large during the confirmation election, shall serve as directors until the first regular meeting of the board after the second regular election of directors. The directors elected from commissioner's precincts 2 and 4 at the confirmation election, shall serve until the first regular meeting of the board after the first regular election of directors. Therefore, the directors serve staggered four-year terms.

Since the bill proposes the creation of an underground water conservation district, it will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapter 51 and 52, Texas Water Code, applicable to those districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. If this act is in conflict with Chapters 51 or 52, Texas Water Code, the act prevails. If there is conflict between the application of Chapter 51, Texas Water Code, and Chapter 52, Chapter 52 prevails.

The bill sets out numerous other specific authorities, powers, and duties already authorized in Chapter 52, Texas Water Code. Specific sections which are included in great detail are found in Sections 52.151, 52.153, 52.155, 52.159-166, and 52.169.

Other additional authority is specifically set out in the bill. The district may also: 1) contract for, sell, and distribute water from a water import authority or other agency; and 2) contract with other districts and have powers similar to those of the districts, to achieve common goals. (This is in error and should read "districts which have similar powers as this district.")

- 4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the District agrees with the State Water Plan objective of local groundwater management to promote more efficient use of groundwater resources.
- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Subchapter A, Section 50.001 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

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

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

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.

- 7) **Exclusion of land from district** - This bill contains a specific provision stating that no hearings may be held to determine whether any land included within the boundaries of the district should be excluded.
- 8) **Adequacy of the boundary description** - The district includes all of the area located within Live Oak County, therefore, the boundary description is adequate. This county lies within the jurisdiction of the Nueces River Authority. The Three Rivers Water District also operates in the vicinity of that city. There are no apparent conflicts between these entities.
- 9) **Comment on powers and duties different from similar types of districts** - This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 51 and 52, Texas Water Code, related to these districts.

The Commission is unsure of the legislative intent of the provision preventing hearings for the exclusion of lands within the boundary of the district.

In addition, the precise nature of Chapter 51, Texas Water Code, powers granted to this district are unclear.

Typically, underground water conservation districts created as general law districts mention the control of subsidence as one of the general purposes of the district.

S.B. NO. 1675

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1675 (1) passed the Senate on May 4 (2), 1989, by the following vote: Yeas 31 (3), Nays 0 (4); and that the Senate concurred in House amendment on May 18 (5), 1989, by the following vote: Yeas 31 (6), Nays 0 (7).

Secretary of the Senate

I hereby certify that S.B. No. 1675 (1) passed the House, with amendment, on May 16 (8), 1989, by the following vote: Yeas 145 (9), Nays 0 (10).

Chief Clerk of the House

Approved:

Date

Governor

8

S. B. No. 1675

By ZAFFIRINI

Relating to the creation, administration, powers, duties, operation, and financing of the Live Oak County Underground Water Conservation District.

Filed with the Secretary of the Senate

APR 12 1989 Read and referred to Committee on NATURAL RESOURCES

APR 27 1989 Reported favorably _____

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

Ordered not printed

MAY 4 1989 Laid before the Senate

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

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

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

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

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

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

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

Engrossing Clerk *Fatsy Shaw*

MAY 5 1989 Received from the Senate

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

5-12-89 Reported favorably (amended) sent to Printer at 3:00 pm MAY 15 1989

5-16-89 Printed and Distributed 1:54 am

~~MAY 16 1989~~ Sent to Committee on Calendars LDC

MAY 16 1989 Read Second time (amended) passed to third reading (failed) by (Non-Record Vote) Record Vote of _____ yeas, _____ nays, _____ present not voting

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

MAY 16 1989 Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of 145 yeas, 9 nays 0 present not voting.

MAY 17 1989 Caption ordered amended to conform to body of bill.

Returned to Senate.

Betty Murray
CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 17 1989 Returned from House with _____ amendments.

MAY 18 1989 Concurred in House: amendments by a viva voce vote 31 yeas, 0 nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____

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

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

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

{ a viva voce vote
_____ yeas, _____ nays

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

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommended to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

69 MAY 16 AM 1:54
HOUSE OF REPRESENTATIVES

NR