A BILL TO BE ENTITLED

AN ACT

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

4-27-89
5-19-89
SECTION 5. POWERS AND DUTIES OF DISTRICT. The
district may exercise the powers, rights, privileges, and
functions permitted by Chapters 51 and 52, Water Code, and
may:

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

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

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

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

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

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

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

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

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

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

(11) publish plans and information, bring them to
the notice and attention of the users of the underground
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(12) contract for, sell, and distribute water
from a water import authority or other agency; and

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

SECTION 6. ADMINISTRATIVE PROCEDURES. Except as
provided by this Act, the administrative and procedural
provisions of Chapters 51 and 52, Water Code, apply to the
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SECTION 7. INITIAL DIRECTORS. (a) The members of the
initial board of directors are:

(1) Scott Bledsoe
(2) Robert W. Hinnant
(3) Henry E. (Ike) Houdman
(4) Mark G. Riser; and
(5) William H. Wieding

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

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

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

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

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

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

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

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

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

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

(g) Notice of the election shall be published at least twice in a newspaper of general circulation in the district, one at least 30 days and at least 10 days, respectively, before the date of the election.

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

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

SECTION 9. TAXES AND BONDS. The tax and bond
provisions of Chapters 51 and 52, Water Code, apply to the
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added to the district as provided by Chapter 51, Water Code.
The board of directors shall determine to which precinct the
annexed land will be added for purposes of election of
directors.

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

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

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

(d) Directors serve staggered four-year terms.

(e) After the election of the directors at the
confirmation election held under Section 8 of this Act,
regular elections for a portion of the board of directors
shall be held in each even-numbered year. The directors
elected from commissioners' precincts 1 and 3 and the
director elected at large at the confirmation election shall
serve as directors until the first regular meeting of the
board after the second regular election of directors, and the
directors elected from commissioners' 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.

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

SECTION 14. EMERGENCY. The importance of this
legislation and the crowded condition of the calendars in
both houses create an emergency and an imperative public
necessity that the constitutional rule requiring bills to be
read on three several days in each house be suspended, and
this rule is hereby suspended, and that this Act take effect
and be in force from and after its passage, and it is so
enacted.
By: Zaffirini  S.B. No. 1675

(In the Senate - Filed April 12, 1989; April 12, 1989, read
first time and referred to Committee on Natural Resources;
April 27, 1989, reported favorably by the following vote: Yeas 8,
Nays 0; April 27, 1989, sent to printer.)

COMMITTEE VOTE

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

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

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of the drilling, equipping, and completion of wells into any
underground water reservoir in the district and the taking and use
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driller's logs to be kept of those wells and a copy of those logs
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purpose of draining lakes, draws, and depressions; construct dams,
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surveys of the underground water of any underground water reservoir
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quantity of the underground water available for the production and
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plans, including specifications;

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and determine limitations, if any, that should be made on the
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date of the election.
(h) Returns of the result of the election shall be made to
the initial board of directors of the district, and the directors
shall canvass those returns and declare the results of the
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(i) No hearings may be held to determine whether any land
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precinct, the director must be a resident of the precinct.
(d) Directors serve staggered four-year terms.
(e) After the election of the directors at the confirmation
election held under Section 8 of this Act, regular elections for a
portion of the board of directors shall be held in each

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conflict between this Act and Chapter 51 or 52, Water Code, this
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Chapters 51 and 52, Water Code, to the district, Chapter 52
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SECTION 14. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.
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

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

FROM:  Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 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

Sir:

We, your Committee on ____________________________ to which was referred

SB 1675 by ZAFFIRINI

(measure) (sponsor)

have on April 26, 1999, had the same

(hearing date)

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

✓ do pass and be printed

() do pass and be ordered not printed

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

A fiscal note was requested. ✓ yes () no

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

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

Considered by subcommittee. () yes () no

Senate Sponsor of House Measure ____________________________

The measure was reported from Committee by the following vote:

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<td>TOTAL VOTES</td>
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Committee Clerk
CHAIRMAN

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

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

[Signature]
Clerk of the reporting committee

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

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

(Agile)

S.B. No. 1675

A BILL TO BE ENTITLED

AN ACT

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(4) Mark G. Riser; and
(5) William H. Wieding

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

(c) If any person appointed as one of the initial directors fails to qualify for office, the commissioners court shall appoint another person to fill the position.
SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature finds that all of the land included within the boundaries of the district will be benefited and that the district is created to serve a public use and benefit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) One director shall be elected from each county commissioner precinct in Live Oak County, and one director shall be elected from the district at large. To represent a commissioner
precinct, the director must be a resident of the precinct.
(d) Directors serve staggered four-year terms.
(e) After the election of the directors at the confirmation election held under Section 8 of this Act, regular elections for a portion of the board of directors shall be held in each even-numbered year. The directors elected from commissioner precincts 1 and 3 and the director elected at large at the confirmation election shall serve as directors until the first regular meeting of the board after the second regular election of directors, and the directors elected from commissioner 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.

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

SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
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
TO: Honorable H. Tati Santiesteban, Chairman
   Committee on Natural Resources
   Senate Chamber
   Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 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
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the 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 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 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.
SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may
exercise the powers, rights, privileges, and functions permitted by
Chapters 51 and 52, Water Code, and may:

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

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

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

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

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

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

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

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

(9) carry out research projects, develop information,
and determine limitations, if any, that should be made on the
withdrawal of underground water from any underground water
reservoir in the district;
(10) collect and preserve information regarding the
use of the underground water and the practicability of recharge of
any underground water reservoir in the district;
(11) publish plans and information, bring them to the
notice and attention of the users of the underground water in the
district, and encourage their adoption and execution;
(12) contract for, sell, and distribute water from a
water import authority or other agency; and
(13) contract with other districts with powers similar
to those of the district to achieve common goals.

SECTION 5. ADMINISTRATIVE PROCEDURES. Except as provided by
this Act, the administrative and procedural provisions of Chapters
51 and 52, Water Code, apply to the district.

SECTION 7. INITIAL DIRECTORS. (a) The members of the
initial board of directors are:
(1) Scott Bledsoe III;
(2) Robert W. Hinnant;
(3) Henry E. (Ike) Houdman;
(4) Mark G. Riser; and
(5) William H. Wieding
(b) The initial members of the board shall serve until their
successors have been elected and have qualified.
(c) If any person appointed as one of the initial directors
fails to qualify for office, the commissioners court shall appoint
another person to fill the position.
SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature finds that all of the land included within the boundaries of the district will be benefited and that the district is created to serve a public use and benefit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Directors serve staggered four-year terms.

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

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

SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
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 (measure) have had the same under consideration and beg to report

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.

Edge

House Sponsor of Senate Measure

The measure was reported from Committee by the following vote:

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<th>PNV</th>
<th>ABSENT</th>
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<td>X</td>
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<td>Collazo, C.B.O.</td>
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<td>Holzheuser</td>
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<td>Wentworth</td>
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<td>Yost</td>
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</table>

Total

7 aye
0 nay
0 present, not voting
2 absent

[Signatures]

CHAIRMAN

COMMITTEE COORDINATOR
SB 1675
By: Zaffirini (Edge)  
Committee on  
Natural Resources

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

FROM:  Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 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
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.
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,

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
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,

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
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. 1575) - Proposed creation of a conservation and reclamation district pursuant to Article III, SS2 and Article XVI, SS9(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,

[Signature]

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
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.
Amend SE 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".

By Yost

House Am. No. 10
S. 1989
S.B. No. 1675

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Brush Country 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 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 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.
SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may
exercise the powers, rights, privileges, and functions permitted by
Chapters 51 and 52, Water Code, and may:

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

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

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

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

(5) require records to be kept and reports to be made
of the drilling, equipping, and completion of wells into any
underground water reservoir in the district and the taking and use
S.B. No. 1675

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

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

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

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

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

(12) collect and preserve information regarding the
use of the underground water and the practicability of recharge of
any underground water reservoir in the district;

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

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

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

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

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

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

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

(c) If any person appointed as one of the initial directors
fails to qualify for office, the commissioners court shall appoint
another person to fill the position.
SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature finds that all of the land included within the boundaries of the district will be benefited and that the district is created to serve a public use and benefit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Directors serve staggered four-year terms.

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

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

SECTION 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
S.B. No. 1675

President of the Senate

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.

Speaker of the House

—

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

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
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 11, 1983

(Signature)

Subscribed and sworn to before me this the 31st day of April, 1989

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

My commission expires ________________
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.
TEXAS WATER COMMISSION

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

April 25, 1989

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

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, 552 and Article XVI, 559(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,

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
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 Kosse

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

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, 552 and Article XVI, 559(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,

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.
President of the Senate

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 19(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
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 \textbf{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: \begin{itemize}
  \item unanimous consent
    \begin{itemize}
      \item yeas, \textbf{1} nays
    \end{itemize}
  \item a viva voce vote
    \begin{itemize}
      \item yeas, \textbf{1} nays
    \end{itemize}
\end{itemize}

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 \textbf{30} yeas, \textbf{0} nays.

MAY 4 1989 Read second time, \textbf{unamended}, and ordered engrossed by:

\begin{itemize}
  \item yeas, \textbf{1} nays
\end{itemize}

MAY 4 1989 Read third time, \textbf{unamended}, and passed by \textbf{31} yeas, \textbf{0} nays.

\begin{center}
\textbf{Betty King}
\end{center}

\textbf{SECRETARY OF THE SENATE}

\begin{center}
MAY 4, 1989 Engrossed
MAY 5, 1989 Sent to House
\end{center}

Engrossing Clerk

MAY 5 1989 Received from the Senate

MAY 8 1989 Read first time and referred to Committee on \textbf{NATURAL RESOURCES}

5-12-89 Reported favorably, amended, sent to Printer at \textbf{3:00pm}

5-16-89 Printed and Distributed \textbf{1:54pm}

MAY 16 1989 Read Second time (amended) passed to third reading (failed)

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 \begin{itemize}
  \item \textbf{148} yeas, \textbf{50} nays \textbf{0} present not voting.
\end{itemize}

Caption ordered amended to conform to body of bill.

\begin{center}
\textbf{Betty Murray}
\end{center}

\textbf{CHIEF CLERK OF THE HOUSE}

MAY 17 1989 Returned to Senate.

MAY 17 1989 Returned from House without amendment.

MAY 18 1989 Returned from House with \textbf{amendments}.

MAY 18 1989 Concurred in House: amendments by \begin{itemize}
  \item yeas, \textbf{31} nays, \textbf{0} nays.
\end{itemize}
Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

Senate conferees instructed.

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

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

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

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

\{ a viva voce vote \\
| _______ yea(s), _______ nay(s) \\
\}

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

\{ a viva voce vote \\
| _______ yea(s), _______ nay(s) \\
\}

OTHER ACTION:

Recommitted to Conference Committee

Conferees discharged

Conference Committee Report failed of adoption by:

\{ a viva voce vote \\
| _______ yea(s), _______ nay(s) \\
\}