

By: M. Huffard

S.B. No. 1727

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the ^{Mesa}~~Dawson County~~ Underground Water
4 Conservation District.

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

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

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

15 SECTION 2. DEFINITION. In this Act, "district" means ^{Mesa}~~Dawson~~
16 ~~County~~ Underground Water Conservation District.

17 SECTION 3. BOUNDARIES. The district includes all of the
18 territory located in Dawson County.

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

4-27-89 ✓
5-3-89
5-25-89 W/H.A.

1 district or its governing body.

2 SECTION 5. FINDING OF BENEFIT. All of the land and other¹
3 property included within the boundaries of the district will be
4 benefited by the works and projects that are to be accomplished by
5 the district under powers conferred by Article XVI, Section 59, of
6 the Texas Constitution. The district is created to serve a public
7 use and benefit.

8 SECTION 6. POWERS. (a) The district has all of the rights,
9 powers, privileges, authority, functions, and duties provided by
10 the general law of this state, including Chapters 50, 51, and 52,
11 Water Code, applicable to underground water conservation districts
12 created under Article XVI, Section 59, of the Texas Constitution.
13 This Act prevails over any provision of general law that is in
14 conflict or inconsistent with this Act.

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

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

22 (b) One director shall be elected from each commissioners
23 precinct in Dawson County and one shall be elected from the
24 district at large. To represent a commissioners precinct, the
25 director must be a resident of that precinct.

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

1 (d) Initial permanent directors serve until permanent ^{2/3}
2 directors are elected under Section 10 of *This Act*.

3 (e) Permanent directors other than initial permanent
4 directors serve staggered four-year terms.

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

7 (g) A director serves until the director's successor has
8 qualified.

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

11 (1) Norris Barron

12 (2) Fred Bell

13 (3) Dan Harp

14 (4) Kent Nix

15 (5) Lloyd Cline

16 (b) If a temporary director fails to qualify for office, the
17 Commissioners Court of Dawson County shall appoint a person to fill
18 the vacancy.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

27 (c) At the confirmation and initial directors' election, the ^{3/2}

1 temporary board of directors shall have the names of the five
2 persons serving as temporary directors placed on the ballot
3 together with the name of any candidate filing for the office of
4 director as provided by Subsection (b) of this section and blank
5 spaces to write in the names of other persons. If the district is
6 created at the election, the temporary directors, at the time the
7 vote is canvassed, shall declare the person who receives the most
8 votes for each position to be elected as an initial director and
9 shall include the results of the directors' election in its
10 election report to the Texas Water Commission.

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

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

17 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
18 May of the second year after the year in which the district is
19 authorized to be created at a confirmation election, an election
20 shall be held in the district for the election of directors.
21 Directors elected from commissioner precincts 2 and 4 shall each
22 serve two-year terms and directors elected from commissioner
23 precincts 1 and 3 and the district at large shall each serve
24 four-year terms. Thereafter, on the same date in each subsequent
25 second year, the appropriate number of directors shall be elected ⁴/₅
26 to the board.

27 SECTION 11. ADDITIONAL AUTHORITY. (a) The district may

1 contract for, sell, and distribute water from a water import
2 authority or other agency.

3 (b) The district may contract with other districts that have
4 powers similar to those of the district to achieve common goals.

5 (c) Additional territory may be added to the district as
6 provided for annexation of territory under Chapter 51, Water Code.
7 The board shall determine to which precinct annexed territory will
8 be added for purposes of election of directors.

9 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

24 SECTION 13. EMERGENCY. The importance of this legislation⁵
25 and the crowded condition of the calendars in both houses create an
26 emergency and an imperative public necessity that the
27 constitutional rule requiring bills to be read on three several

1 days in each house be suspended, and this rule is hereby suspended,
2 and that this Act take effect and be in force from and after its
3 passage, and it is so enacted.

1 By: Montford S.B. No. 1727
 2 (In the Senate - Filed April 19, 1989; April 19, 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 Santiesteban				x
8 Lyon	x			
9 Armbrister	x			
10 Bivins	x			
11 Brown				x
12 Carriker	x			
13 Montford	x			
14 Ratliff	x			
15 Sims	x			
16 Uribe				x
17 Zaffirini	x			

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 33 Constitution.

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 41 notes in the legislative process does not affect the organization,
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 43 to levy and collect taxes, or the legality or operation of the
 44 district or its governing body.

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22 the vacancy.

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25 election to confirm establishment of the district and to elect five
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28 initial director may file an application with the temporary board
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30 Section 51.075, Water Code.

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32 temporary board of directors shall have the names of the five
33 persons serving as temporary directors placed on the ballot
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35 director as provided by Subsection (b) of this section and blank
36 spaces to write in the names of other persons. If the district is
37 created at the election, the temporary directors, at the time the
38 vote is canvassed, shall declare the person who receives the most
39 votes for each position to be elected as an initial director and
40 shall include the results of the directors' election in its
41 election report to the Texas Water Commission.

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

45 (e) Except as provided by this section, a confirmation and
46 initial directors' election must be conducted as provided by
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50 May of the second year after the year in which the district is
51 authorized to be created at a confirmation election, an election
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56 four-year terms. Thereafter, on the same date in each subsequent
57 second year, the appropriate number of directors shall be elected
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60 contract for, sell, and distribute water from a water import
61 authority or other agency.

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63 powers similar to those of the district to achieve common goals.

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65 provided for annexation of territory under Chapter 51, Water Code.
66 The board shall determine to which precinct annexed territory will
67 be added for purposes of election of directors.

68 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

69 (a) The proper and legal notice of the intention to introduce this
70 Act, setting forth the general substance of this Act, has been

1 published as provided by law, and the notice and a copy of this Act
2 have been furnished to all persons, agencies, officials, or
3 entities to which they are required to be furnished by the
4 constitution and other laws of this state, including the governor,
5 who has submitted the notice and Act to the Texas Water Commission.

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

9 (c) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act are fulfilled
12 and accomplished.

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

20 * * * * *

21 Austin, Texas
22 April 27, 1989

23 Hon. William P. Hobby
24 President of the Senate

25 Sir:

26 We, your Committee on Natural Resources to which was referred S.B.
27 No. 1727, have had the same under consideration, and I am
28 instructed to report it back to the Senate with the recommendation
29 that it do pass and be printed.

30 Lyon, Vice-Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 25, 1989

APR 25 RECEIVED

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

In Re: Senate Bill No. 1727
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1727 (relating to the creation, administration, powers, duties, operation, and financing of the Dawson 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

27
4-26-89 12:48
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred SB 1727 by MONT FORD 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

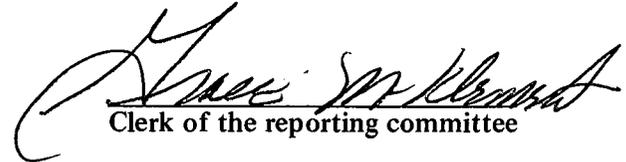
Grace M. Klement COMMITTEE CLERK [Signature] CHAIRMAN

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 1727, by: Moffitt,
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.**

May 4 19 89 Engrossed

Larry 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 1727 which was received from the Senate on 5/5/89 and referred to the Committee on Natural Res.

Dexter Murray
Chief Clerk of the House

By: Montford
(Rudd)

S.B. No. 1727

A BILL TO BE ENTITLED

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AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Dawson County Underground Water Conservation District.

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

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

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

SECTION 2. DEFINITION. In this Act, "district" means Dawson County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The district includes all of the territory located in Dawson County.

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

1 SECTION 5. FINDING OF BENEFIT. All of the land and other
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7 SECTION 6. POWERS. (a) The district has all of the rights,
8 powers, privileges, authority, functions, and duties provided by
9 the general law of this state, including Chapters 50, 51, and 52,
10 Water Code, applicable to underground water conservation districts
11 created under Article XVI, Section 59, of the Texas Constitution.
12 This Act prevails over any provision of general law that is in
13 conflict or inconsistent with this Act.

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15 and duties of the district are subject to the continuing right of
16 supervision of the state to be exercised by and through the Texas
17 Water Commission.

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19 governed by a board of five directors. A director must be 18 years
20 of age or older.

21 (b) One director shall be elected from each commissioners
22 precinct in Dawson County and one shall be elected from the
23 district at large. To represent a commissioners precinct, the
24 director must be a resident of that precinct.

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

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COMMITTEE AMENDMENT NO. 1

Amend S.B. 1727 as follows:

(1) On page 1, line 7, strike "Dawson County" and substitute "Mesa".

(2) On page 1, lines 15-16, strike "Dawson County" and substitute "Mesa".

Yost

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 25, 1989

APR 25 1989

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

In Re: Senate Bill No. 1727
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1727 (relating to the creation, administration, powers, duties, operation, and financing of the Dawson County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

4

HOUSE COMMITTEE REPORT

1st Printing

09 MAY 17 PM 2:57
HOUSE OF REPRESENTATIVES

By: Montford
(Rudd)

S.B. No. 1727

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11 created under Article XVI, Section 59, of the Texas Constitution.
12 This Act prevails over any provision of general law that is in
13 conflict or inconsistent with this Act.

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

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

21 (b) One director shall be elected from each commissioners
22 precinct in Dawson County and one shall be elected from the
23 district at large. To represent a commissioners precinct, the
24 director must be a resident of that precinct.

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

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

3 (e) Permanent directors other than initial permanent
4 directors serve staggered four-year terms.

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

7 (g) A director serves until the director's successor has
8 qualified.

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

11 (1) Norris Barron

12 (2) Fred Bell

13 (3) Dan Harp

14 (4) Kent Nix

15 (5) Lloyd Cline

16 (b) If a temporary director fails to qualify for office, the
17 Commissioners Court of Dawson County shall appoint a person to fill
18 the vacancy.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

1 (c) At the confirmation and initial directors' election, the
2 temporary board of directors shall have the names of the five
3 persons serving as temporary directors placed on the ballot
4 together with the name of any candidate filing for the office of
5 director as provided by Subsection (b) of this section and blank
6 spaces to write in the names of other persons. If the district is
7 created at the election, the temporary directors, at the time the
8 vote is canvassed, shall declare the person who receives the most
9 votes for each position to be elected as an initial director and
10 shall include the results of the directors' election in its
11 election report to the Texas Water Commission.

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

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

19 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
20 May of the second year after the year in which the district is
21 authorized to be created at a confirmation election, an election
22 shall be held in the district for the election of directors.
23 Directors elected from commissioner precincts 2 and 4 shall each
24 serve two-year terms and directors elected from commissioner
25 precincts 1 and 3 and the district at large shall each serve
26 four-year terms. Thereafter, on the same date in each subsequent

1 second year, the appropriate number of directors shall be elected
2 to the board.

3 SECTION 11. ADDITIONAL AUTHORITY. (a) The district may
4 contract for, sell, and distribute water from a water import
5 authority or other agency.

6 (b) The district may contract with other districts that have
7 powers similar to those of the district to achieve common goals.

8 (c) Additional territory may be added to the district as
9 provided for annexation of territory under Chapter 51, Water Code.
10 The board shall determine to which precinct annexed territory will
11 be added for purposes of election of directors.

12 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

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

1
2
3
4
5
6
7

COMMITTEE AMENDMENT NO. 1

Amend S.B. 1727 as follows:

(1) On page 1, line 7, strike "Dawson County" and substitute "Mesa".

(2) On page 1, lines 15-16, strike "Dawson County" and substitute "Mesa".

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 1727 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 Rudd

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

[Signature]
 ACTING CHAIRMAN
 | *Deborah K. Wall*
 COMMITTEE COORDINATOR

BILL ANALYSIS

Background

It is believed that creation of the Dawson County Underground Water Conservation District will be beneficial to residents of the area.

Purpose of the Bill

This bill creates the district and provides for its operation.

Section by Section Analysis

Section 1. Creates the district.

Section 2. Definition.

Section 3. Includes all territory in Dawson 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, 51, and 52, Water Code, as applicable to districts created under Article XVI, Section 59 of the Texas Constitution, subject to commission supervision.

Section 7. Provides for a five member board with members serving staggered four year terms. States additional terms and qualifications for directors.

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

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

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

Section 11. Provides the district certain additional authority to sell water, contract with other districts, and to annex territory.

Section 12. Finding 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 1727 was considered in formal meeting on May 12, 1989. Representative Yost offered an amendment to change the name of the district to the Mesa Underground Water Conservation District. The amendemnt was adopted without objection. the motion to report SB 1727 to the full House favorably, with amendment, 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 25, 1989

APR 26 1989

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

In Re: Senate Bill No. 1727
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1727 (relating to the creation, administration, powers, duties, operation, and financing of the Dawson 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 78769-2910
(512) 463-0678
Rm. 305, Capitol

420 W. Main
Brownfield, Texas 79316
(806) 637-7616

STATE REPRESENTATIVE

Jim D. Rudd

May 12, 1989

The Honorable Terral Smith, Chairman
Committee on Natural Resources

Dear Chairman Smith:

Senate Bill 1727, the companion to my bill, House Bill 3132 (relating to the creation, administration, powers, duties, operation, and financing of the Dawson County Underground Water Conservation District) has been referred to your committee.

The estimated fiscal impact on Senate Bill 1727, is approximately \$100,00 per year. This figure includes salaries, rent, and office operating expenses.

If I can provide you with further information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Jim D. Rudd".

Jim D. Rudd

5

ADOPTED

MAY 19 1989

Betty Messing
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

BY Yost

1 Amend S.B. 1727 as follows:

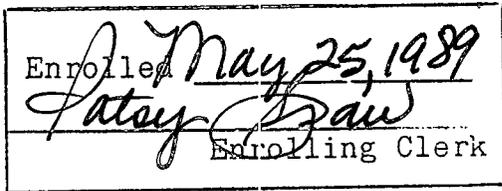
2 ✓ (1) On page 1, line 7, strike "Dawson County" and
3 substitute "Mesa".

4 ✓ (2) On page 1, lines 15-16, strike "Dawson County" and
5 substitute "Mesa".

House Am. #0

5-25-89

Yost



S.B. No. 1727

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

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

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

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

14 SECTION 2. DEFINITION. In this Act, "district" means Mesa
15 Underground Water Conservation District.

16 SECTION 3. BOUNDARIES. The district includes all of the
17 territory located in Dawson County.

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

25 SECTION 5. FINDING OF BENEFIT. All of the land and other

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

6 SECTION 6. POWERS. (a) The district has all of the rights,
7 powers, privileges, authority, functions, and duties provided by
8 the general law of this state, including Chapters 50, 51, and 52,
9 Water Code, applicable to underground water conservation districts
10 created under Article XVI, Section 59, of the Texas Constitution.
11 This Act prevails over any provision of general law that is in
12 conflict or inconsistent with this Act.

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

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

20 (b) One director shall be elected from each commissioners
21 precinct in Dawson County and one shall be elected from the
22 district at large. To represent a commissioners precinct, the
23 director must be a resident of that precinct.

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

26 (d) Initial permanent directors serve until permanent

1 directors are elected under Section 10 of this Act.

2 (e) Permanent directors other than initial permanent
3 directors serve staggered four-year terms.

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

6 (g) A director serves until the director's successor has
7 qualified.

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

10 (1) Norris Barron

11 (2) Fred Bell

12 (3) Dan Harp

13 (4) Kent Nix

14 (5) Lloyd Cline

15 (b) If a temporary director fails to qualify for office, the
16 Commissioners Court of Dawson County shall appoint a person to fill
17 the vacancy.

18 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

26 (c) At the confirmation and initial directors' election, the

1 temporary board of directors shall have the names of the five
2 persons serving as temporary directors placed on the ballot
3 together with the name of any candidate filing for the office of
4 director as provided by Subsection (b) of this section and blank
5 spaces to write in the names of other persons. If the district is
6 created at the election, the temporary directors, at the time the
7 vote is canvassed, shall declare the person who receives the most
8 votes for each position to be elected as an initial director and
9 shall include the results of the directors' election in its
10 election report to the Texas Water Commission.

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

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

18 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
19 May of the second year after the year in which the district is
20 authorized to be created at a confirmation election, an election
21 shall be held in the district for the election of directors.
22 Directors elected from commissioner precincts 2 and 4 shall each
23 serve two-year terms and directors elected from commissioner
24 precincts 1 and 3 and the district at large shall each serve
25 four-year terms. Thereafter, on the same date in each subsequent
26 second year, the appropriate number of directors shall be elected

1 to the board.

2 SECTION 11. ADDITIONAL AUTHORITY. (a) The district may
3 contract for, sell, and distribute water from a water import
4 authority or other agency.

5 (b) The district may contract with other districts that have
6 powers similar to those of the district to achieve common goals.

7 (c) Additional territory may be added to the district as
8 provided for annexation of territory under Chapter 51, Water Code.
9 The board shall determine to which precinct annexed territory will
10 be added for purposes of election of directors.

11 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

26 SECTION 13. EMERGENCY. The importance of this legislation

S.B. No. 1727

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

S.B. No. 1727

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1727 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 25, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1727 passed the House, with amendment, on May 20, 1989, by the following vote: Yeas 122, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Texas House of Representatives



P.O. Box 2910
Austin, Texas 78769-2910
(512) 463-0678
Rm. 305, Capitol

420 W. Main
Brownfield, Texas 79316
(806) 637-7616

STATE REPRESENTATIVE

Jim D. Rudd

May 12, 1989

The Honorable Terral Smith, Chairman
Committee on Natural Resources

Dear Chairman Smith:

Senate Bill 1727, the companion to my bill, House Bill 3132 (relating to the creation, administration, powers, duties, operation, and financing of the Dawson County Underground Water Conservation District) has been referred to your committee.

The estimated fiscal impact on Senate Bill 1727, is approximately \$100,00 per year. This figure includes salaries, rent, and office operating expenses.

If I can provide you with further information, please let me know.

Sincerely,

Jim D. Rudd

Jim D. Rudd

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 25, 1989

APR 25 REC'D

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

In Re: Senate Bill No. 1727
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1727 (relating to the creation, administration, powers, duties, operation, and financing of the Dawson 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

JK
HCO

S.B. No. 1727

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1727 (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 25 (5), 1989, by the following vote: Yeas 31 (6), Nays 0 (7).

Secretary of the Senate

I hereby certify that S.B. No. 1727 (1) passed the House, with amendment, on May 20 (8), 1989, by the following vote: Yeas 122 (9), Nays 0 (10), one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S. B. No. 1727

By Montford

A BILL TO BE ENTITLED

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

Filed with the Secretary of the Senate

NATURAL RESOURCES

~~APR 19 1989~~ Read and referred to Committee on _____

~~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
_____ years, _____ nays

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

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

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

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

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

May 4, 1989 Engrossed

May 5, 1989 Sent to House

Engrossing Clerk Lacey Spaw

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 9:45am

5.17.89 Printed and Distributed 2:57pm MAY 15 1989

5.18.89 Sent to Committee on Calendars LEC 11:30am

~~MAY 19 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 20 1989~~ Read third time amended; finally passed failed by a (Non-Record Vote) Record Vote of 122 yeas, 0 nays, 1 present not voting.

~~MAY 20 1989~~ Caption ordered amended to conform to body of bill.

~~MAY 22 1989~~ Returned to Senate.

Betty Murray
CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

~~MAY 22 1989~~ Returned from House with _____ amendments.

~~MAY 25 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:

_____ Recommitted to Conference Committee

_____ Conferees discharged .

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

89 MAY 17 PM 2:57
HOUSE OF REPRESENTATIVES

JN