

I certify that the attached is a true and correct copy of HB 1463, which was filed of record on FEB 28 1991

and referred to the committee on

Natural Resources

Barry Messing

Chief Clerk of the House

1991 MAR 11 PM 4:36

HOUSE OF REPRESENTATIVES

FILED FEB 28 1991

By *J. Alderman*

H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, and funding of the Headwaters Underground Water Conservation District.

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

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Headwaters Underground Water Conservation District, is created in Kerr County. 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. DEFINITIONS. In this Act:

(1) "District" means the Headwaters Underground Water Conservation District.

(2) "Board" means the board of directors of the Headwaters Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Kerr County.

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

1 use and benefit.

2 SECTION 5. POWERS. (a) Except to the extent of any
3 conflict with this Act or as specifically limited by this Act, the
4 district has all of the rights, powers, privileges, authority,
5 functions, and duties provided by the general law of this state,
6 including Chapters 50 and 52, Water Code, applicable to underground
7 water conservation districts created under Article XVI, Section 59,
8 of the Texas Constitution. This Act prevails over any provision of
9 general law that is in conflict or inconsistent with this Act.

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

14 SECTION 6. BOARD OF DIRECTORS. (a) The district is
15 governed by a board of directors.

16 (b) The county judge and county commissioners of Kerr County
17 serve ex officio as directors.

18 (c) The county judge serves as the chairman of the board of
19 directors.

20 (d) A director serves without compensation but is entitled
21 to reimbursement for actual expenses incurred in the performance of
22 activities related to district business, including education,
23 travel, and seminars.

24 SECTION 7. FUNDING. Maintenance and operating expenses of
25 the district may be paid only from fees collected by the district
26 and the general revenues of Kerr County.

27 SECTION 8. TAXING AUTHORITY. The district may not levy any

1 tax without the approval of the qualified voters of the district.
2 This section does not limit the power of the Commissioners Court of
3 Kerr County to raise general revenue taxes in support of the
4 county's general revenue fund or in support of the district.

5 SECTION 9. ADDITIONAL AUTHORITY. The Texas Water Commission
6 may by order designate the district as the local enforcement agent
7 for the commission within the geographic boundaries of the
8 district, delegating those powers regarding underground waters
9 located in the district that the commission deems proper.

10 SECTION 10. PROHIBITED ACTS. The district may not sell,
11 donate, lease, or otherwise grant rights in or to the underground
12 waters located in the district.

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

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

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

1 and accomplished.

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

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS:
THE COUNTY OF KERR:

I, James R. Gray, publisher of THE KERRVILLE TIMES, a newspaper published in the County of Kerr, State of Texas, do swear that the foregoing and attached citation was published in Kerrville, Kerr County, Texas, a newspaper of general circulation published regularly in said Kerr County, Texas for more than one year next before this date on the following dates to wit:

Jan 25, 1991
_____, 19____
_____, 19____
_____, 19____

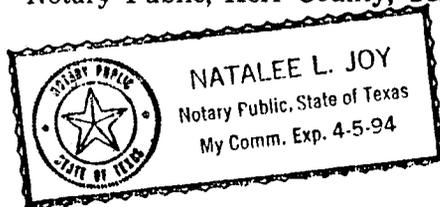
1. LEGAL NOTICES
NOTICE
This is to give notice to introduce in the 72nd Legislature, Regular Session, a bill to be entitled an Act relating to the creation, administration, powers, duties, operations, financing and annexation authority of the Headwaters Underground Water Conservation District located in and including all of Kerr County. A copy of the proposed legislation is on file in the office of the County Judge of Kerr County, Texas.

A printed copy of said writ as it was published is attached

James R. Gray
Publisher of
THE KERRVILLE TIMES, KERR CO. KERRVILLE

Sworn to and subscribed before me by the said James R. Gray,
Publisher, of THE KERRVILLE TIMES, on this the 29th day of January,
A. D. 1991, to certify which witness my hand and seal of office.

Natalee L. Joy
Notary Public, Kerr County, Texas



PRINTER'S FEE

HOUSE COMMITTEE REPORT

91 APR 20 AM 12:29

1st Printing

By Hilderbran

H.B. No. 1463

Substitute the following for H.B. No. 1463:

By Yost

C.S.H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as the Headwaters Underground Water
8 Conservation District, is created in Kerr County, subject to
9 approval at a confirmation election under Section 8 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. DEFINITIONS. In this Act, "district" means the
16 Headwaters Underground Water Conservation District.

17 SECTION 3. BOUNDARIES. The boundaries of the district are
18 coextensive with the boundaries of Kerr County.

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

1 SECTION 5. POWERS. (a) The district has all of the rights,
2 powers, privileges, authority, functions, and duties provided by
3 the general law of this state, including Chapters 50 and 52, Water
4 Code, applicable to underground water conservation districts
5 created under Article XVI, Section 59, of the Texas Constitution.
6 This Act prevails over any provision of general law that is in
7 conflict or inconsistent with this Act.

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

12 SECTION 6. BOARD OF DIRECTORS. (a) The district is
13 governed by a board of five directors.

14 (b) Temporary directors serve until initial directors are
15 elected under Section 8.

16 (c) Initial directors serve until permanent directors are
17 elected under Section 9.

18 (d) Permanent directors serve staggered four-year terms.

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

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

23 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of
24 directors is composed of:

25 (1) George Holekamp

26 (2) Madge Parmley Reid

27 (3) Thomas Syfan

1 (4) William Cowden

2 (5) Tobin Parker

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

9 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

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

4 (e) Except as provided by this section, a confirmation and
5 initial directors' election must be conducted as provided by
6 Sections 52.059(b)-(g), Water Code, and the Election Code.

7 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
8 May of the second year after the year in which the district is
9 authorized to be created at a confirmation election, an election
10 shall be held in the district for the election of two directors who
11 shall each serve two-year terms and three directors who shall each
12 serve four-year terms. Thereafter, on the same date in each
13 subsequent second year, the appropriate number of directors shall
14 be elected to the board.

15 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
16 contract with Kerr County or a river authority whose boundaries are
17 coextensive with the district's boundaries for services available
18 from the county or river authority that directly relate to the
19 district's activities. Any party to a contract required by this
20 subsection may petition the commission to resolve any dispute
21 arising out of the contract.

22 (b) The district may contract with a state agency or another
23 governmental body to carry out any function of the district.

24 SECTION 11. PROHIBITED ACTS. The district may not sell,
25 donate, lease, or otherwise grant rights in or to underground water
26 located in the district.

27 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

1 (a) The proper and legal notice of the intention to introduce this
2 Act, setting forth the general substance of this Act, has been
3 published as provided by law, and the notice and a copy of this Act
4 have been furnished to all persons, agencies, officials, or
5 entities to which they are required to be furnished by the
6 constitution and other laws of this state, including the governor,
7 who has submitted the notice and Act to the Texas Water Commission.

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

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

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

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

April 16, 1991
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 1463 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

do pass, without amendment.

do pass, with amendment(s).

do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. yes no

An author's fiscal statement was requested. yes no

A criminal justice policy impact statement was requested. yes no

An equalized educational funding impact statement was requested. yes no

An actuarial analysis was requested. yes no

A water development policy impact statement was requested. yes no

A federal funds impact statement was requested. yes no

The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

This measure proposes new law. amends existing law.

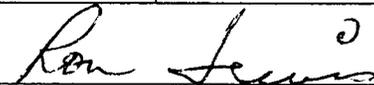
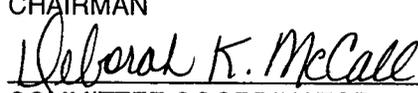
House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Lewis, R., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.	x			
Bosse	x			
Greenberg	x			
Haggerty				x
Hilderbran				x
Puente				x
Yost	x			

Total

6	aye
0	nay
0	present, not voting
3	absent


 CHAIRMAN

 COMMITTEE COORDINATOR

HB 1463
By: Hilderbran
CSHB 1463
By: Yost

Committee on
Natural Resources

BILL ANALYSIS

BACKGROUND

Kerr County lies within the Hill Country Critical Area designated by the Texas Water Commission on June 6, 1990. The county is mainly composed of farming and ranching communities. The citizens of the county feel that the creation of an underground water district will aid in the regulation of water use, and request that the district be defined by the county boundaries.

PURPOSE OF THE BILL

As proposed, HB 1463 creates the Headwaters Underground Conservation District.

SECTION BY SECTION ANALYSIS

SECTION 1. Creates the district.

SECTION 2. Defines "district."

SECTION 3. Sets the boundaries of the district coextensive with the boundaries of Kerr County.

SECTION 4. Legislative findings of public use and benefit.

SECTION 5. Provides for powers of the district to accord with Article XVI, Section 59, of the Texas Constitution, and Chapters 50 and 52, Water Code.

SECTION 6. Provides for a board of 5 directors, a temporary board, an initial board, a permanent board to serve staggered four-year terms, and for qualifications of directors.

SECTION 7. Names the temporary board, provides for the filling of vacancies.

SECTION 8. Provides for the confirmation and initial directors' election.

SECTION 9. Provides for the election of permanent directors.

SECTION 10. Provides for the district to contract with Kerr County or a river authority whose boundaries are coextensive with the district's boundaries for services directly related to the district's activities; allows for petition to the commission to resolve contract disputes, and provides the district may contract with a state agency to carry out any function of the district.

SECTION 11. Prohibits the district from selling, donating, or leasing water rights.

SECTION 12. States procedural requirements have been met in filing this bill.

SECTION 13. Emergency clause. Effective date: upon passage.

RULEMAKING AUTHORITY

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

COMPARISON OF SUBSTITUTE TO ORIGINAL BILL

The substitute adds that the district is subject to a confirmation election, deletes a definition of "board," establishes a five director board and provides for temporary, initial, and permanent directors; provides for a confirmation election; eliminates provision from the original that the county judge and county commissioners serve as ex officio members of the board and the county judge serves as Chairman; eliminates the funding, taxation and designation of a local enforcement agent provisions from the original; and provides the district will enter into contracts with Kerr County or a river authority for services directly related to district activities and may contract with a state agency to carry out any function of the district.

SUMMARY OF COMMITTEE ACTION

On March 13 1991, HB 1463 was referred directly to the Subcommittee on Water Districts. Notice was posted in accordance with House Rules, and HB 1463 was heard in a public hearing of the subcommittee on March 19, 1991. Testimony was taken in favor of the bill. A resource witness was present on the bill. The motion to leave HB 1463 pending before the subcommittee carried without objection. HB 1463 was called up in the subcommittee on April 9, 1991. No witnesses were present on the bill. A substitute and an amendment to the substitute were offered and adopted without objection. The motion to report HB 1463, as substituted, favorably back to the full committee carried by a vote of 2 ayes, 0 nay, 0 PNV, and 1 absent. The subcommittee report on HB 1463 was taken up at a public hearing of the full committee on April 16, 1991. No witnesses were present on the bill. The substitute was offered and adopted without objection. The motion to report HB 1463, as substituted, favorably back to the full House with the recommendation that it be placed on the Local and Consent Calendar carried by a vote of 6 ayes, 0 nay, 0 PNV, and 3 absent.

The Texas House of Representatives

HARVEY HILDERBRAN
State Representative
District 67

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

Committees:
Public Health
Retirement & Aging

March 12, 1991

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author's Fiscal Statement. HB1463 (relating to the creation, administration, powers, duties, and funding of the Headwaters Underground Water Conservation District).

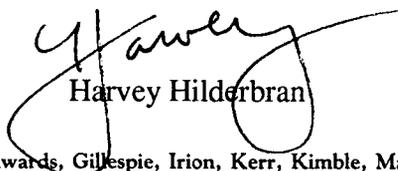
Sir:

In response to your request for an Author's Fiscal Statement on HB1463, I have determined the following:

- 1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.
 - A. The county judge and county commissioners of Kerr County serve ex officio as directors.
- 2. COST OF KERR COUNTY GOVERNMENT: funded through fees collected by the district and the general revenues of Kerr County:
 - A. Actual expenses incurred in the performance of activities relate to district business, including education, travel and seminars.
 - B. Maintenance and operating expenses of the district.
 - C. The district may not levy any tax without the approval of the qualified voters of the district.
- 3. FISCAL YEAR PROJECTIONS:
 - 1991.....no cost is anticipated
 - 1992.....no cost is anticipated
 - 1993.....no cost is anticipated
 - 1994.....no cost is anticipated
 - 1995.....no cost is anticipated

Please let me know if I can be of any further assistance to you.

Sincerely,


Harvey Hilderbran

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason,
Menard, Real, Schleicher, Sutton and Uvalde Counties

REQUEST FOR WATER DEVELOPMENT POLICY IMPACT STATEMENT

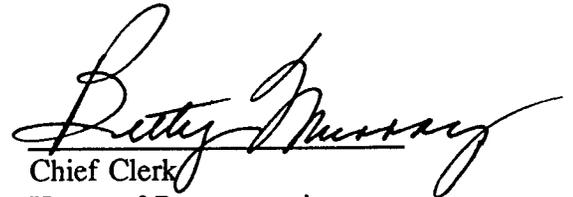
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

TO: Texas Water Commission

SUBJECT: A Bill Relating to the Creation of a Conservation and Reclamation District

This is to transmit to you a copy of H. B. No. 1463, a bill relating to the creation of a conservation and reclamation district, for preparation of a water development policy impact statement, under House Rule 4, Section 36.

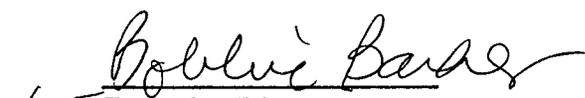
March 1, 1991
Date transmitted to
Texas Water Commission


Chief Clerk
House of Representatives

TO: The Honorable Members of the
Texas House of Representatives

SUBJECT: A Bill Relating to the Creation of a Conservation and Reclamation District

Attached is the Water Development Policy Impact Statement prepared by the Texas Water Commission and the Texas Water Development Board for the above mentioned bill, in compliance with House Rule 4, Section 36.


Executive Director
Texas Water Commission

FOR CHIEF CLERK USE

IMPACT STATEMENT RECEIVED FROM TEXAS WATER COMMISSION ON MAR 13 1991
date

IMPACT STATEMENT DELIVERED TO COMMITTEE ON Natural Resources
name of committee

ON MAR 14 1991
date
4:31 PM

TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman
John E. Birdwell, Commissioner
Cliff Johnson, Commissioner

John J. Vay, General Counsel
Michael E. Field, Chief Hearings Examiner
Gloria A. Vasquez, Chief Clerk

Allen Beinke, Executive Director

March 11, 1991

The Honorable Gib Lewis
Speaker of the House of Representatives
State Capitol Building, Room 238
Austin, Texas 78701

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, Section 37.

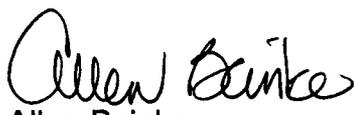
H.B. 1463 by Hilderbran

Relating to the creation of the Headwaters Underground
Water Conservation District

Dear Speaker Lewis:

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

Respectfully yours,


Allen Beinke
Executive Director

Enclosures

cc: Representative Lewis, Chairman
House Natural Resources Committee
Representative Hilderbran

6

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE HEADWATERS
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 1463 (H.B. 1463) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the Headwaters Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Kerr County, obtain their water principally from the Trinity Group aquifer which underlies the entire county. There appears to be no hydrogeologic justification for the determination of district boundaries. Kerr County lies entirely within a Water Commission designated Critical Area.

H.B. 1463 provides that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The boundaries of the proposed District are coterminous with the boundaries of Kerr County. In 1980, the population of Kerr County was 28,780 residents. The County's population growth pattern over the last ten years reflects a continuing increase in population with a 1990 population of 36,304 residents. The Board's current population projections for the County indicate that this trend will continue over the next 20 years with a population ranging from 50,675 to 54,467 by the year 2010.

- 2) **District finances** - H.B. 1463 authorizes the maintenance and operating expenses of the district to be paid from fees collected by the district and from the general revenues of Kerr County. The district is not authorized to levy any taxes without voter approval. The bill expressly does not limit the ability of the Commissioners

Court of Kerr County to raise general revenue taxes in support of the county's general revenue fund or in support of the district.

- 3) **Board of directors & powers** - The proposed district is to be governed by a board of directors composed of the county judge and county commissioners of Kerr County. The county judge will serve as the chairman of the board of directors. The county judge and the county commissioners serve ex officio as directors.

H.B. 1463 does not require that an election be held to confirm the district.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation 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. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - Approximately 43 percent of the County's current water needs for the population, industries, and agriculture are met from local ground-water resources. The Board finds that creation of the proposed District agrees with the Board's State Water Plan objective of promoting efficient use of ground-water resources and development and implementation of management programs for addressing local ground-water problems so as to enhance the availability of local ground-water supplies.
- 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 Sections 50.101 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).

There is a potential conflict in the bill's general references to both Chapters 50 and 52 of the Water Code, with regard to issuance of bonds. Commission approval authority over the district's bonds is questionable and should be clarified in the language of the bill. Chapter 52, Subchapter G, Texas Water Code would require Commission approval of bonds, but Chapter 50 exempts districts whose boundaries cover an entire county. These include bonds 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** - The power of eminent domain is authorized for this district as provided under general law for underground water conservation districts. The district's use of this power is restricted to property within its boundaries.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Kerr County, therefore, the boundary description is adequate in terms of closure. All of Kerr County lies within the Hill Country Critical Area designated and delineated by the Texas Water Commission on June 6, 1990. There are two existing districts within Kerr County, the Kerr County (Center Point) Water Control and Improvement District and the Southeast Thompson Municipal Utility District. Both of these districts are financially dormant. Part of the county is within the Upper Guadalupe River Authority. There are no apparent conflicts between the boundaries of this district and other existing entities.

- 9) **Comment on powers and duties different from similar types of districts -**
This bill proposes the creation of an underground water conservation district, with the powers that are given in Chapters 50 and 52, Texas Water Code, related to these districts. In terms of powers and duties, this district will not differ significantly from similar types of districts. However, the district, as proposed in this bill, does differ significantly in the composition of its board of directors. The fact that the directors of the district are also the county judge and county commissioners of Kerr County may create a conflict with the constitutional prohibition against dual office holding and the common law doctrine of incompatibility. The constitutional prohibition is not violated as long as the directors do not receive compensation from both offices; other conflicts may occur, however, that would make the two offices incompatible.

Two other non-standard provisions are included in H.B. 1463. Section 9 of the bill provides that the Texas Water Commission may by order designate the district as the local enforcement agent for the commission within the geographic boundaries of the district, delegating those powers regarding underground waters located in the district that the commission deems proper; and Section 10 prohibits the district from selling, donating, leasing, or otherwise granting rights in or to the underground waters located in the district.

The Commission offers the following comments related to this bill.

H.B. 1463 does not require voter confirmation of the creation of the proposed district. The Commission notes that while the proposed district is not provided with the authority to levy taxes, the district does have the power to issue revenue bonds without voter approval and without voter confirmation of the district.

Special law districts encompassing an entire county are exempt from TWC approval of bonds under Chapter 50, Water Code; however, Chapter 52 requires TWC approval regardless of size. Therefore, it should be made clear as to which chapter applies in this case.

All of Kerr County lies within the Hill Country Critical Area designated and delineated by the Texas Water Commission on June 6, 1990. At that time the Commission concurred with the recommendation of its staff and the study area advisory committee that a district or districts should be created in the Critical Area; and that timely district creation via the Legislature would be the most appropriate action.

This bill appears to be a companion bill to Senate Bill 108 introduced by Sims.

ADOPTED

MAY 2 1991

Burg Messing
Chief Clerk
House of Representatives

By Hilderbran

H.B. No. 1463

Substitute the following for H.B. No. 1463:

By *Yost*

C.S.H.B. No. 1463

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

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

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

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Headwaters Underground Water Conservation District, is created in Kerr County, subject to approval at a confirmation election under Section 8 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. DEFINITIONS. In this Act, "district" means the Headwaters Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Kerr County.

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

1 SECTION 5. POWERS. (a) The district has all of the rights,
2 powers, privileges, authority, functions, and duties provided by
3 the general law of this state, including Chapters 50 and 52, Water
4 Code, applicable to underground water conservation districts
5 created under Article XVI, Section 59, of the Texas Constitution.
6 This Act prevails over any provision of general law that is in
7 conflict or inconsistent with this Act.

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

12 SECTION 6. BOARD OF DIRECTORS. (a) The district is
13 governed by a board of five directors.

14 (b) Temporary directors serve until initial directors are
15 elected under Section 8.

16 (c) Initial directors serve until permanent directors are
17 elected under Section 9.

18 (d) Permanent directors serve staggered four-year terms.

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

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

23 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of
24 directors is composed of:

- 25 (1) George Holekamp
26 (2) Madge Parmley Reid
27 (3) Thomas Syfan

1 (4) William Cowden

2 (5) Tobin Parker

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

9 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

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

4 (e) Except as provided by this section, a confirmation and
5 initial directors' election must be conducted as provided by
6 Sections 52.059(b)-(g), Water Code, and the Election Code.

7 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
8 May of the second year after the year in which the district is
9 authorized to be created at a confirmation election, an election
10 shall be held in the district for the election of two directors who
11 shall each serve two-year terms and three directors who shall each
12 serve four-year terms. Thereafter, on the same date in each
13 subsequent second year, the appropriate number of directors shall
14 be elected to the board.

15 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
16 contract with Kerr County or a river authority whose boundaries are
17 coextensive with the district's boundaries for services available
18 from the county or river authority that directly relate to the
19 district's activities. Any party to a contract required by this
20 subsection may petition the commission to resolve any dispute
21 arising out of the contract.

22 (b) The district may contract with a state agency or another
23 governmental body to carry out any function of the district.

24 SECTION 11. PROHIBITED ACTS. The district may not sell,
25 donate, lease, or otherwise grant rights in or to underground water
26 located in the district.

27 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

1 (a) The proper and legal notice of the intention to introduce this
2 Act, setting forth the general substance of this Act, has been
3 published as provided by law, and the notice and a copy of this Act
4 have been furnished to all persons, agencies, officials, or
5 entities to which they are required to be furnished by the
6 constitution and other laws of this state, including the governor,
7 who has submitted the notice and Act to the Texas Water Commission.

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

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

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

HOUSE ENGROSSMENT

91 MAY -3 PM11:07
HOUSE OF REPRESENTATIVES

By Hilderbran

H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as the Headwaters Underground Water
8 Conservation District, is created in Kerr County, subject to
9 approval at a confirmation election under Section 8 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. DEFINITIONS. In this Act, "district" means the
16 Headwaters Underground Water Conservation District.

17 SECTION 3. BOUNDARIES. The boundaries of the district are
18 coextensive with the boundaries of Kerr County.

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

1 SECTION 5. POWERS. (a) The district has all of the rights,
2 powers, privileges, authority, functions, and duties provided by
3 the general law of this state, including Chapters 50 and 52, Water
4 Code, applicable to underground water conservation districts
5 created under Article XVI, Section 59, of the Texas Constitution.
6 This Act prevails over any provision of general law that is in
7 conflict or inconsistent with this Act.

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

12 SECTION 6. BOARD OF DIRECTORS. (a) The district is
13 governed by a board of five directors.

14 (b) Temporary directors serve until initial directors are
15 elected under Section 8.

16 (c) Initial directors serve until permanent directors are
17 elected under Section 9.

18 (d) Permanent directors serve staggered four-year terms.

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

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

23 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of
24 directors is composed of:

- 25 (1) George Holekamp
26 (2) Madge Parmley Reid
27 (3) Thomas Syfan

1 (4) William Cowden

2 (5) Tobin Parker

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

9 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

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

4 (e) Except as provided by this section, a confirmation and
5 initial directors' election must be conducted as provided by
6 Sections 52.059(b)-(g), Water Code, and the Election Code.

7 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
8 May of the second year after the year in which the district is
9 authorized to be created at a confirmation election, an election
10 shall be held in the district for the election of two directors who
11 shall each serve two-year terms and three directors who shall each
12 serve four-year terms. Thereafter, on the same date in each
13 subsequent second year, the appropriate number of directors shall
14 be elected to the board.

15 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
16 contract with Kerr County or a river authority whose boundaries are
17 coextensive with the district's boundaries for services available
18 from the county or river authority that directly relate to the
19 district's activities. Any party to a contract required by this
20 subsection may petition the commission to resolve any dispute
21 arising out of the contract.

22 (b) The district may contract with a state agency or another
23 governmental body to carry out any function of the district.

24 SECTION 11. PROHIBITED ACTS. The district may not sell,
25 donate, lease, or otherwise grant rights in or to underground water
26 located in the district.

27 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

1 (a) The proper and legal notice of the intention to introduce this
2 Act, setting forth the general substance of this Act, has been
3 published as provided by law, and the notice and a copy of this Act
4 have been furnished to all persons, agencies, officials, or
5 entities to which they are required to be furnished by the
6 constitution and other laws of this state, including the governor,
7 who has submitted the notice and Act to the Texas Water Commission.

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

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

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



The Texas House of Representatives

HARVEY HILDERBRAN
State Representative
District 67

Committees:
Public Health
Retirement & Aging

March 12, 1991

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author's Fiscal Statement. HB1463 (relating to the creation, administration, powers, duties, and funding of the Headwaters Underground Water Conservation District).

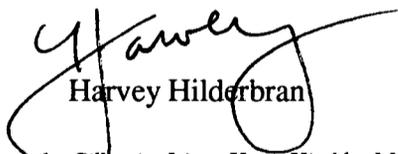
Sir:

In response to your request for an Author's Fiscal Statement on HB1463, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.
 - A. The county judge and county commissioners of Kerr County serve ex officio as directors.
2. COST OF KERR COUNTY GOVERNMENT: funded through fees collected by the district and the general revenues of Kerr County:
 - A. Actual expenses incurred in the performance of activities relate to district business, including education, travel and seminars.
 - B. Maintenance and operating expenses of the district.
 - C. The district may not levy any tax without the approval of the qualified voters of the district.
3. FISCAL YEAR PROJECTIONS:
 - 1991.....no cost is anticipated
 - 1992.....no cost is anticipated
 - 1993.....no cost is anticipated
 - 1994.....no cost is anticipated
 - 1995.....no cost is anticipated

Please let me know if I can be of any further assistance to you.

Sincerely,



Harvey Hilderbran

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason,
Menard, Real, Schleicher, Sutton and Uvalde Counties

TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman
John E. Birdwell, Commissioner
Cliff Johnson, Commissioner

John J. Vay, General Counsel
Michael E. Field, Chief Hearings Examiner
Gloria A. Vasquez, Chief Clerk

Allen Beinke, Executive Director

March 11, 1991

The Honorable Ann Richards
Governor of Texas
State Capitol Building, Room 200
Austin, Texas 78701

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59 (d), Texas Constitution.

H.B. 1463 by Hilderbran

Relating to the creation of the Headwaters Underground Water Conservation District

Dear Governor Richards:

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.

Respectfully yours,


Allen Beinke
Executive Director

Enclosures

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE HEADWATERS
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 1463 (H.B. 1463) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the Headwaters Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Kerr County, obtain their water principally from the Trinity Group aquifer which underlies the entire county. There appears to be no hydrogeologic justification for the determination of district boundaries. Kerr County lies entirely within a Water Commission designated Critical Area.

H.B. 1463 provides that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The boundaries of the proposed District are coterminous with the boundaries of Kerr County. In 1980, the population of Kerr County was 28,780 residents. The County's population growth pattern over the last ten years reflects a continuing increase in population with a 1990 population of 36,304 residents. The Board's current population projections for the County indicate that this trend will continue over the next 20 years with a population ranging from 50,675 to 54,467 by the year 2010.
- 2) **District finances** - H.B. 1463 authorizes the maintenance and operating expenses of the district to be paid from fees collected by the district and from the general revenues of Kerr County. The district is not authorized to levy any taxes without voter approval. The bill expressly does not limit the ability of the Commissioners

Court of Kerr County to raise general revenue taxes in support of the county's general revenue fund or in support of the district.

- 3) **Board of directors & powers** - The proposed district is to be governed by a board of directors composed of the county judge and county commissioners of Kerr County. The county judge will serve as the chairman of the board of directors. The county judge and the county commissioners serve ex officio as directors.

H.B. 1463 does not require that an election be held to confirm the district.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation 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. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - Approximately 43 percent of the County's current water needs for the population, industries, and agriculture are met from local ground-water resources. The Board finds that creation of the proposed District agrees with the Board's State Water Plan objective of promoting efficient use of ground-water resources and development and implementation of management programs for addressing local ground-water problems so as to enhance the availability of local ground-water supplies.
- 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 Sections 50.101 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).

There is a potential conflict in the bill's general references to both Chapters 50 and 52 of the Water Code, with regard to issuance of bonds. Commission approval authority over the district's bonds is questionable and should be clarified in the language of the bill. Chapter 52, Subchapter G, Texas Water Code would require Commission approval of bonds, but Chapter 50 exempts districts whose boundaries cover an entire county. These include bonds 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** - The power of eminent domain is authorized for this district as provided under general law for underground water conservation districts. The district's use of this power is restricted to property within its boundaries.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Kerr County, therefore, the boundary description is adequate in terms of closure. All of Kerr County lies within the Hill Country Critical Area designated and delineated by the Texas Water Commission on June 6, 1990. There are two existing districts within Kerr County, the Kerr County (Center Point) Water Control and Improvement District and the Southeast Thompson Municipal Utility District. Both of these districts are financially dormant. Part of the county is within the Upper Guadalupe River Authority. There are no apparent conflicts between the boundaries of this district and other existing entities.

9) **Comment on powers and duties different from similar types of districts -**
This bill proposes the creation of an underground water conservation district, with the powers that are given in Chapters 50 and 52, Texas Water Code, related to these districts. In terms of powers and duties, this district will not differ significantly from similar types of districts. However, the district, as proposed in this bill, does differ significantly in the composition of its board of directors. The fact that the directors of the district are also the county judge and county commissioners of Kerr County may create a conflict with the constitutional prohibition against dual office holding and the common law doctrine of incompatibility. The constitutional prohibition is not violated as long as the directors do not receive compensation from both offices; other conflicts may occur, however, that would make the two offices incompatible.

Two other non-standard provisions are included in H.B. 1463. Section 9 of the bill provides that the Texas Water Commission may by order designate the district as the local enforcement agent for the commission within the geographic boundaries of the district, delegating those powers regarding underground waters located in the district that the commission deems proper; and Section 10 prohibits the district from selling, donating, leasing, or otherwise granting rights in or to the underground waters located in the district.

The Commission offers the following comments related to this bill.

H.B. 1463 does not require voter confirmation of the creation of the proposed district. The Commission notes that while the proposed district is not provided with the authority to levy taxes, the district does have the power to issue revenue bonds without voter approval and without voter confirmation of the district.

Special law districts encompassing an entire county are exempt from TWC approval of bonds under Chapter 50, Water Code; however, Chapter 52 requires TWC approval regardless of size. Therefore, it should be made clear as to which chapter applies in this case.

All of Kerr County lies within the Hill Country Critical Area designated and delineated by the Texas Water Commission on June 6, 1990. At that time the Commission concurred with the recommendation of its staff and the study area advisory committee that a district or districts should be created in the Critical Area; and that timely district creation via the Legislature would be the most appropriate action.

This bill appears to be a companion bill to Senate Bill 108 introduced by Sims.

6. What overall impact does this bill have on TWC: (Major impact, some impact, minor impact, no impact?)

No impact.

7. How will interest groups or other governmental entities be affected? Who are they and what are their likely responses?

Owners of high capacity water wells, i.e. most municipalities, may be affected by district actions. Support for the bill would be expected.

8. Does your division support this bill as written?

No.

9. What changes are recommended to the text of the bill?

Bill names county judge and county commissioners as district board. This creates a legal defect. It probably constitutes a violation of state constitutional provisions relating to dual officeholding as well as the common law doctrine of incompatibility.

10. Additional comments:

Kerr County is part of the Commission designated Hill Country Critical Area.

District would need a better funding source to function well.

8

1 By: Hilderbran (Senate Sponsor - Sims) H.B. No. 1463
 2 (In the Senate - Received from the House May 6, 1991;
 3 May 7, 1991, read first time and referred to Committee on Natural
 4 Resources; May 17, 1991, reported adversely, with favorable
 5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 6 May 17, 1991, sent to printer.)

7 COMMITTEE VOTE

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

20 COMMITTEE SUBSTITUTE FOR H.B. No. 1463 By: Sims

21 A BILL TO BE ENTITLED
 22 AN ACT

23 relating to the creation, administration, powers, duties,
 24 operation, and financing of the Headwaters Underground Water
 25 Conservation District.

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

27 SECTION 1. CREATION. (a) An underground water conservation
 28 district, to be known as the Headwaters Underground Water
 29 Conservation District, is created in Kerr County, subject to
 30 approval at a confirmation election under Section 8 of this Act.
 31 The district is a governmental agency and a body politic and
 32 corporate.

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

36 SECTION 2. DEFINITIONS. In this Act, "district" means the
 37 Headwaters Underground Water Conservation District.

38 SECTION 3. BOUNDARIES. The boundaries of the district are
 39 coextensive with the boundaries of Kerr County.

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

46 SECTION 5. POWERS. (a) The district has all of the rights,
 47 powers, privileges, authority, functions, and duties provided by
 48 the general law of this state, including Chapters 50 and 52, Water
 49 Code, applicable to underground water conservation districts
 50 created under Article XVI, Section 59, of the Texas Constitution.
 51 This Act prevails over any provision of general law that is in
 52 conflict or inconsistent with this Act.

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

57 SECTION 6. BOARD OF DIRECTORS. (a) The district is
 58 governed by a board of five directors.

59 (b) Temporary directors serve until initial directors are
 60 elected under Section 8.

61 (c) Initial directors serve until permanent directors are
 62 elected under Section 9.

63 (d) Permanent directors serve staggered four-year terms.

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

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

3 (g) The directors serve without compensation; but are
4 entitled to reimbursement for actual expenses incurred in the
5 performance of activities related to district business including
6 education, travel and seminars.

7 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of
8 directors is composed of:

- 9 (1) George Holekamp
10 (2) Madge Parmley Reid
11 (3) Thomas Syfan
12 (4) Eddie Taylor
13 (5) Tobin Parker

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

20 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

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

42 (e) Except as provided by this section, a confirmation and
43 initial directors' election must be conducted as provided by
44 Sections 52.059(b)-(g), Water Code, and the Election Code.

45 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
46 May of the second year after the year in which the district is
47 authorized to be created at a confirmation election, an election
48 shall be held in the district for the election of two directors who
49 shall each serve two-year terms and three directors who shall each
50 serve four-year terms. Thereafter, on the same date in each
51 subsequent second year, the appropriate number of directors shall
52 be elected to the board.

53 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
54 contract with Kerr County or a river authority whose boundaries are
55 coextensive with the district's boundaries for services available
56 from the county or river authority that directly relate to the
57 district's activities. Any party to a contract required by this
58 subsection may petition the commission to resolve any dispute
59 arising out of the contract.

60 (b) The district may contract with a state agency or another
61 governmental body to carry out any function of the district.

62 SECTION 11. PROHIBITED ACTS. The district may not sell,
63 donate, lease, or otherwise grant rights in or to underground water
64 located in the district.

65 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

66 (a) The proper and legal notice of the intention to introduce this
67 Act, setting forth the general substance of this Act, has been
68 published as provided by law, and the notice and a copy of this Act
69 have been furnished to all persons, agencies, officials, or
70 entities to which they are required to be furnished by the

1 constitution and other laws of this state, including the governor,
2 who has submitted the notice and Act to the Texas Water Commission.

3 (b) The Texas Water Commission has field its recommendations
4 relating to this Act with the governor, lieutenant governor, and
5 speaker of the house of representatives within the required time.

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

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

17 * * * * *

18 Austin, Texas
19 May 17, 1991

20 Hon. Bob Bullock
21 President of the Senate

22 Sir:

23 We, your Committee on Natural Resources to which was referred H.B.
24 No. 1463, have had the same under consideration, and I am
25 instructed to report it back to the Senate with the recommendation
26 that it do not pass, but that the Committee Substitute adopted in
27 lieu thereof do pass and be printed.

28 Sims, Chairman



The Texas House of Representatives

HARVEY HILDERBRAN
State Representative
District 67

Committees:
Public Health
Retirement & Aging

March 12, 1991

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author's Fiscal Statement. HB1463 (relating to the creation, administration, powers, duties, and funding of the Headwaters Underground Water Conservation District).

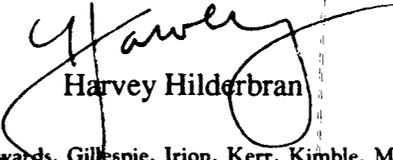
Sir:

In response to your request for an Author's Fiscal Statement on HB1463, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.
 - A. The county judge and county commissioners of Kerr County serve ex officio as directors.
2. COST OF KERR COUNTY GOVERNMENT: funded through fees collected by the district and the general revenues of Kerr County:
 - A. Actual expenses incurred in the performance of activities relate to district business, including education, travel and seminars.
 - B. Maintenance and operating expenses of the district.
 - C. The district may not levy any tax without the approval of the qualified voters of the district.
3. FISCAL YEAR PROJECTIONS:
1991.....no cost is anticipated
1992.....no cost is anticipated
1993.....no cost is anticipated
1994.....no cost is anticipated
1995.....no cost is anticipated

Please let me know if I can be of any further assistance to you.

Sincerely,


Harvey Hilderbran

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason,
Menard, Real, Schleicher, Sutton and Uvalde Counties

TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman
John E. Birdwell, Commissioner
Cliff Johnson, Commissioner

Allen Beinke, Executive Director

John J. Vay, General Counsel
Michael E. Field, Chief Hearings Examiner
Gloria A. Vasquez, Chief Clerk

March 11, 1991

The Honorable Ann Richards
Governor of Texas
State Capitol Building, Room 200
Austin, Texas 78701

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59 (d), Texas Constitution.

H.B. 1463 by Hilderbran

Relating to the creation of the Headwaters Underground Water Conservation District

Dear Governor Richards:

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.

Respectfully yours,


Allen Beinke
Executive Director

Enclosures

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE HEADWATERS
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 1463 (H.B. 1463) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the Headwaters Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Kerr County, obtain their water principally from the Trinity Group aquifer which underlies the entire county. There appears to be no hydrogeologic justification for the determination of district boundaries. Kerr County lies entirely within a Water Commission designated Critical Area.

H.B. 1463 provides that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The boundaries of the proposed District are coterminous with the boundaries of Kerr County. In 1980, the population of Kerr County was 28,780 residents. The County's population growth pattern over the last ten years reflects a continuing increase in population with a 1990 population of 36,304 residents. The Board's current population projections for the County indicate that this trend will continue over the next 20 years with a population ranging from 50,675 to 54,467 by the year 2010.
- 2) **District finances** - H.B. 1463 authorizes the maintenance and operating expenses of the district to be paid from fees collected by the district and from the general revenues of Kerr County. The district is not authorized to levy any taxes without voter approval. The bill expressly does not limit the ability of the Commissioners

Court of Kerr County to raise general revenue taxes in support of the county's general revenue fund or in support of the district.

- 3) **Board of directors & powers** - The proposed district is to be governed by a board of directors composed of the county judge and county commissioners of Kerr County. The county judge will serve as the chairman of the board of directors. The county judge and the county commissioners serve ex officio as directors.

H.B. 1463 does not require that an election be held to confirm the district.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation 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. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - Approximately 43 percent of the County's current water needs for the population, industries, and agriculture are met from local ground-water resources. The Board finds that creation of the proposed District agrees with the Board's State Water Plan objective of promoting efficient use of ground-water resources and development and implementation of management programs for addressing local ground-water problems so as to enhance the availability of local ground-water supplies.
- 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 Sections 50.101 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).

There is a potential conflict in the bill's general references to both Chapters 50 and 52 of the Water Code, with regard to issuance of bonds. Commission approval authority over the district's bonds is questionable and should be clarified in the language of the bill. Chapter 52, Subchapter G, Texas Water Code would require Commission approval of bonds, but Chapter 50 exempts districts whose boundaries cover an entire county. These include bonds 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** - The power of eminent domain is authorized for this district as provided under general law for underground water conservation districts. The district's use of this power is restricted to property within its boundaries.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Kerr County, therefore, the boundary description is adequate in terms of closure. All of Kerr County lies within the Hill Country Critical Area designated and delineated by the Texas Water Commission on June 6, 1990. There are two existing districts within Kerr County, the Kerr County (Center Point) Water Control and Improvement District and the Southeast Thompson Municipal Utility District. Both of these districts are financially dormant. Part of the county is within the Upper Guadalupe River Authority. There are no apparent conflicts between the boundaries of this district and other existing entities.

9) **Comment on powers and duties different from similar types of districts -**

This bill proposes the creation of an underground water conservation district, with the powers that are given in Chapters 50 and 52, Texas Water Code, related to these districts. In terms of powers and duties, this district will not differ significantly from similar types of districts. However, the district, as proposed in this bill, does differ significantly in the composition of its board of directors. The fact that the directors of the district are also the county judge and county commissioners of Kerr County may create a conflict with the constitutional prohibition against dual office holding and the common law doctrine of incompatibility. The constitutional prohibition is not violated as long as the directors do not receive compensation from both offices; other conflicts may occur, however, that would make the two offices incompatible.

Two other non-standard provisions are included in H.B. 1463. Section 9 of the bill provides that the Texas Water Commission may by order designate the district as the local enforcement agent for the commission within the geographic boundaries of the district, delegating those powers regarding underground waters located in the district that the commission deems proper; and Section 10 prohibits the district from selling, donating, leasing, or otherwise granting rights in or to the underground waters located in the district.

The Commission offers the following comments related to this bill.

H.B. 1463 does not require voter confirmation of the creation of the proposed district. The Commission notes that while the proposed district is not provided with the authority to levy taxes, the district does have the power to issue revenue bonds without voter approval and without voter confirmation of the district.

Special law districts encompassing an entire county are exempt from TWC approval of bonds under Chapter 50, Water Code; however, Chapter 52 requires TWC approval regardless of size. Therefore, it should be made clear as to which chapter applies in this case.

All of Kerr County lies within the Hill Country Critical Area designated and delineated by the Texas Water Commission on June 6, 1990. At that time the Commission concurred with the recommendation of its staff and the study area advisory committee that a district or districts should be created in the Critical Area; and that timely district creation via the Legislature would be the most appropriate action.

This bill appears to be a companion bill to Senate Bill 108 introduced by Sims.

6. What overall impact does this bill have on TWC: (Major impact, some impact, minor impact, no impact?)

No impact.

7. How will interest groups or other governmental entities be affected? Who are they and what are their likely responses?

Owners of high capacity water wells, i.e. most municipalities, may be affected by district actions. Support for the bill would be expected.

8. Does your division support this bill as written?

No.

9. What changes are recommended to the text of the bill?

Bill names county judge and county commissioners as district board. This creates a legal defect. It probably constitutes a violation of state constitutional provisions relating to dual officeholding as well as the common law doctrine of incompatibility.

10. Additional comments:

Kerr County is part of the Commission designated Hill Country Critical Area.

District would need a better funding source to function well.

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

TO: The Honorable Ann W. Richards
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Water Commission copies of House Bill No. 1463, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Water Commission, under Section 59(d), Article XVI, Constitution of the State of Texas.

FEB 28 1991

Date transmitted to
Governor's Office


Betty Murray, Chief Clerk
House of Representatives

TO: Texas Water Commission

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. _____, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

Date transmitted to
Texas Water Commission


Ann W. Richards
Governor

TO: The Honorable Gibson D. "Gib" Lewis
Speaker of the House

The Honorable Bob Bullock
President of the Senate

The Honorable Ann W. Richards
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Water Commission on House Bill No. _____, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Allen Beinke
Executive Director

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS:
THE COUNTY OF KERR:

I, James R. Gray, publisher of THE KERRVILLE TIMES, a newspaper published in the County of Kerr, State of Texas, do swear that the foregoing and attached citation was published in Kerrville, Kerr County, Texas, a newspaper of general circulation published regularly in said Kerr County, Texas for more than one year next before this date on the following dates to wit:

Jan 25, 1991

....., 19.....

....., 19.....

....., 19.....

A printed copy of said writ as it was published is attached

1. LEGAL NOTICES

NOTICE

This is to give notice to introduce in the 72nd Legislature, Regular Session, a bill to be entitled an Act relating to the creation, administration, powers, duties, operations, financing and annexation authority of the Headwaters Underground Water Conservation District located in and including all of Kerr County. A copy of the proposed legislation is on file in the office of the County Judge of Kerr County, Texas.

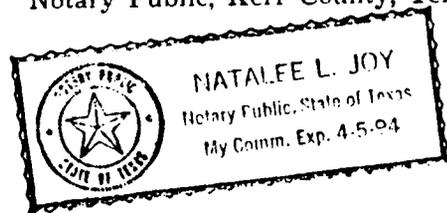
of.

James R. Gray
Publisher of
THE KERRVILLE TIMES, KERR CO. KERRVILLE

Sworn to and subscribed before me by the said James R. Gray,

Publisher, of THE KERRVILLE TIMES, on this the 29th day of January,
A. D. 1991, to certify which witness my hand and seal of office.

Natalee L. Joy
Notary Public, Kerr County, Texas.



PRINTER'S FEE

**FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR (HB) HCR HJR 1463

By Hilderbran/Sims
(Author/Senate Sponsor)

5-17-91

(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Natural Resources, to which was referred the attached measure,

have on 5-16-91, had the same under consideration and I am instructed to report it
(date of hearing)

back with the recommendation (s) that it:

- do pass as substituted, and be printed
- the caption remained the same as original measure
- the caption changed with adoption of the substitute

do pass as substituted, and be ordered not printed

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

A fiscal note was requested. yes no

A revised fiscal note was requested. yes no

An actuarial analysis was requested. yes no

Considered by subcommittee. yes no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Sims, Chairman	✓			
Truan, Vice Chairman	✓			
Armbrister	✓			
Barrientos			✓	
Brown	✓			
Carriker	✓			
Lucio	✓			
Ratliff	✓			
Rosson	✓			
Zaffirini	✓			
<u>Sibley</u>			✓	
TOTAL VOTES	9		2	

COMMITTEE ACTION

- §260 Considered in public hearing
- §270 Testimony taken

[Signature]
COMMITTEE CLERK

[Signature]
CHAIRMAN

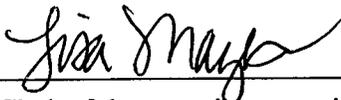
Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
 Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
 Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
 Retain one copy of this form for Committee files

**REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT**

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 1463, by: Sims,
(Bill No.) (author)
was heard by the Committee on natural Resources on 5-16 1991,
and reported out with the recommendation that it be placed on the Local Uncontested Bills 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 ROOM 419. 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.

ADOPTED

MAY 2 1991

Butler King
Secretary of the Senate

By Hildebran

H.B. No. 1463

Substitute the following for H.B. No. 1463

By *[Signature]*

C.S.H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

1

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

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as the Headwaters Underground Water
8 Conservation District, is created in Kerr County, subject to
9 approval at a confirmation election under Section 8 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. DEFINITIONS. In this Act, "district" means the
16 Headwaters Underground Water Conservation District.

17 SECTION 3. BOUNDARIES. The boundaries of the district are
18 coextensive with the boundaries of Kerr County.

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

1 SECTION 5. POWERS. (a) The district has all of the rights,
2 powers, privileges, authority, functions, and duties provided by
3 the general law of this state, including Chapters 50 and 52, Water
4 Code, applicable to underground water conservation districts
5 created under Article XVI, Section 59, of the Texas Constitution.
6 This Act prevails over any provision of general law that is in
7 conflict or inconsistent with this Act.

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

12 SECTION 6. BOARD OF DIRECTORS. (a) The district is
13 governed by a board of five directors.

14 (b) Temporary directors serve until initial directors are
15 elected under Section 8.

16 (c) Initial directors serve until permanent directors are
17 elected under Section 9.

18 (d) Permanent directors serve staggered four-year terms.

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

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

23 (g) The directors serve without compensation; but are
24 entitled to reimbursement for actual expenses incurred in the
25 performance of activities related to district business including
26 education, travel and seminars.

27

1 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of
2 directors is composed of:

- 3 (1) George Holekamp
4 (2) Madge Parmley Reid
5 (3) Thomas Syfan
6 (4) Eddie Taylor
7 (5) Tobin Parker

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

14 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

22 (c) At the confirmation and initial directors' election, the
23 temporary board of directors shall have the names of the five
24 persons serving as temporary directors placed on the ballot
25 together with the name of any candidate filing for the office of
26 director as provided by Subsection (b) of this section and blank
27 spaces to write in the names of other persons. If the district is

1 created at the election, the temporary directors, at the time the
2 vote is canvassed, shall declare the five persons who receive the
3 most votes to be elected as the initial directors and shall include
4 the results of the directors' election in its election report to
5 the Texas Water Commission.

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

9 (e) Except as provided by this section, a confirmation and
10 initial directors' election must be conducted as provided by
11 Sections 52.059(b)-(g), Water Code, and the Election Code.

12 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
13 May of the second year after the year in which the district is
14 authorized to be created at a confirmation election, an election
15 shall be held in the district for the election of two directors who
16 shall each serve two-year terms and three directors who shall each
17 serve four-year terms. Thereafter, on the same date in each
18 subsequent second year, the appropriate number of directors shall
19 be elected to the board.

20 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
21 contract with Kerr County or a river authority whose boundaries are
22 coextensive with the district's boundaries for services available
23 from the county or river authority that directly relate to the
24 district's activities. Any party to a contract required by this
25 subsection may petition the commission to resolve any dispute
26 arising out of the contract.

27 (b) The district may contract with a state agency or another

1 governmental body to carry out any function of the district.

2 SECTION 11. PROHIBITED ACTS. The district may not sell,
3 donate, lease, or otherwise grant rights in or to underground water
4 located in the district.

5 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

16 (c) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

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

27

SENATE AMENDMENTS

MAY 21 PM 9:47

HOUSE OF REPRESENTATIVES

2nd Printing

By Hilderbran

H.B. No. 1463

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as the Headwaters Underground Water
8 Conservation District, is created in Kerr County, subject to
9 approval at a confirmation election under Section 8 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. DEFINITIONS. In this Act, "district" means the
16 Headwaters Underground Water Conservation District.

17 SECTION 3. BOUNDARIES. The boundaries of the district are
18 coextensive with the boundaries of Kerr County.

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

1 SECTION 5. POWERS. (a) The district has all of the rights,
2 powers, privileges, authority, functions, and duties provided by
3 the general law of this state, including Chapters 50 and 52, Water
4 Code, applicable to underground water conservation districts
5 created under Article XVI, Section 59, of the Texas Constitution.
6 This Act prevails over any provision of general law that is in
7 conflict or inconsistent with this Act.

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

12 SECTION 6. BOARD OF DIRECTORS. (a) The district is
13 governed by a board of five directors.

14 (b) Temporary directors serve until initial directors are
15 elected under Section 8.

16 (c) Initial directors serve until permanent directors are
17 elected under Section 9.

18 (d) Permanent directors serve staggered four-year terms.

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

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

23 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of
24 directors is composed of:

- 25 (1) George Holekamp
26 (2) Madge Parmley Reid
27 (3) Thomas Syfan

1 (4) William Cowden

2 (5) Tobin Parker

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

9 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

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

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

4 (e) Except as provided by this section, a confirmation and
5 initial directors' election must be conducted as provided by
6 Sections 52.059(b)-(g), Water Code, and the Election Code.

7 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
8 May of the second year after the year in which the district is
9 authorized to be created at a confirmation election, an election
10 shall be held in the district for the election of two directors who
11 shall each serve two-year terms and three directors who shall each
12 serve four-year terms. Thereafter, on the same date in each
13 subsequent second year, the appropriate number of directors shall
14 be elected to the board.

15 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
16 contract with Kerr County or a river authority whose boundaries are
17 coextensive with the district's boundaries for services available
18 from the county or river authority that directly relate to the
19 district's activities. Any party to a contract required by this
20 subsection may petition the commission to resolve any dispute
21 arising out of the contract.

22 (b) The district may contract with a state agency or another
23 governmental body to carry out any function of the district.

24 SECTION 11. PROHIBITED ACTS. The district may not sell,
25 donate, lease, or otherwise grant rights in or to underground water
26 located in the district.

27 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

1 (a) The proper and legal notice of the intention to introduce this
2 Act, setting forth the general substance of this Act, has been
3 published as provided by law, and the notice and a copy of this Act
4 have been furnished to all persons, agencies, officials, or
5 entities to which they are required to be furnished by the
6 constitution and other laws of this state, including the governor,
7 who has submitted the notice and Act to the Texas Water Commission.

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

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

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

By Hilderbran

H.B. No. 1463

SENATE AMENDMENT NO. 1

By Sims

C.S.H.B. No. 1463

A BILL TO BE ENTITLED

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

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as the Headwaters Underground Water
8 Conservation District, is created in Kerr County, subject to
9 approval at a confirmation election under Section 8 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. DEFINITIONS. In this Act, "district" means the
16 Headwaters Underground Water Conservation District.

17 SECTION 3. BOUNDARIES. The boundaries of the district are
18 coextensive with the boundaries of Kerr County.

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

1 SECTION 5. POWERS. (a) The district has all of the rights,
2 powers, privileges, authority, functions, and duties provided by
3 the general law of this state, including Chapters 50 and 52, Water
4 Code, applicable to underground water conservation districts
5 created under Article XVI, Section 59, of the Texas Constitution.
6 This Act prevails over any provision of general law that is in
7 conflict or inconsistent with this Act.

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

12 SECTION 6. BOARD OF DIRECTORS. (a) The district is
13 governed by a board of five directors.

14 (b) Temporary directors serve until initial directors are
15 elected under Section 8.

16 (c) Initial directors serve until permanent directors are
17 elected under Section 9.

18 (d) Permanent directors serve staggered four-year terms.

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

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

23 (g) The directors serve without compensation; but are
24 entitled to reimbursement for actual expenses incurred in the
25 performance of activities related to district business including
26 education, travel and seminars.

27 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of

1 directors is composed of:

- 2 (1) George Holekamp
- 3 (2) Madge Parmley Reid
- 4 (3) Thomas Syfan
- 5 (4) Eddie Taylor
- 6 (5) Tobin Parker

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

13 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

21 (c) At the confirmation and initial directors' election, the
22 temporary board of directors shall have the names of the five
23 persons serving as temporary directors placed on the ballot
24 together with the name of any candidate filing for the office of
25 director as provided by Subsection (b) of this section and blank
26 spaces to write in the names of other persons. If the district is
27 created at the election, the temporary directors, at the time the

1 vote is canvassed, shall declare the five persons who receive the
2 most votes to be elected as the initial directors and shall include
3 the results of the directors' election in its election report to
4 the Texas Water Commission.

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

8 (e) Except as provided by this section, a confirmation and
9 initial directors' election must be conducted as provided by
10 Sections 52.059(b)-(g), Water Code, and the Election Code.

11 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
12 May of the second year after the year in which the district is
13 authorized to be created at a confirmation election, an election
14 shall be held in the district for the election of two directors who
15 shall each serve two-year terms and three directors who shall each
16 serve four-year terms. Thereafter, on the same date in each
17 subsequent second year, the appropriate number of directors shall
18 be elected to the board.

19 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
20 contract with Kerr County or a river authority whose boundaries are
21 coextensive with the district's boundaries for services available
22 from the county or river authority that directly relate to the
23 district's activities. Any party to a contract required by this
24 subsection may petition the commission to resolve any dispute
25 arising out of the contract.

26 (b) The district may contract with a state agency or another
27 governmental body to carry out any function of the district.

1 SECTION 11. PROHIBITED ACTS. The district may not sell,
2 donate, lease, or otherwise grant rights in or to underground water
3 located in the district.

4 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

15 (c) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act are fulfilled
18 and accomplished.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 19, 1991

TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

IN RE: Senate Committee Substitute for
House Bill No. 1463

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Committee Substitute for House Bill No. 1463 (relating to the creation, administration, powers, duties, operation, and financing of the Headwaters 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: Comptroller of Public Accounts;
LBB Staff: JO, JWH, DF, EC, CKM



The Texas House of Representatives

HARVEY HILDERBRAN
State Representative
District 67

Committees:
Public Health
Retirement & Aging

March 12, 1991

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author's Fiscal Statement. HB1463 (relating to the creation, administration, powers, duties, and funding of the Headwaters Underground Water Conservation District).

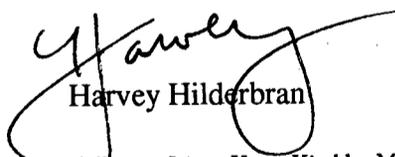
Sir:

In response to your request for an Author's Fiscal Statement on HB1463, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.
 - A. The county judge and county commissioners of Kerr County serve ex officio as directors.
2. COST OF KERR COUNTY GOVERNMENT: funded through fees collected by the district and the general revenues of Kerr County:
 - A. Actual expenses incurred in the performance of activities relate to district business, including education, travel and seminars.
 - B. Maintenance and operating expenses of the district.
 - C. The district may not levy any tax without the approval of the qualified voters of the district.
3. FISCAL YEAR PROJECTIONS:
 - 1991.....no cost is anticipated
 - 1992.....no cost is anticipated
 - 1993.....no cost is anticipated
 - 1994.....no cost is anticipated
 - 1995.....no cost is anticipated

Please let me know if I can be of any further assistance to you.

Sincerely,


Harvey Hilderbran

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason,
Menard, Real, Schleicher, Sutton and Uvalde Counties

2

1 SECTION 5. POWERS. (a) The district has all of the rights,
2 powers, privileges, authority, functions, and duties provided by
3 the general law of this state, including Chapters 50 and 52, Water
4 Code, applicable to underground water conservation districts
5 created under Article XVI, Section 59, of the Texas Constitution.
6 This Act prevails over any provision of general law that is in
7 conflict or inconsistent with this Act.

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

12 SECTION 6. BOARD OF DIRECTORS. (a) The district is
13 governed by a board of five directors.

14 (b) Temporary directors serve until initial directors are
15 elected under Section 8.

16 (c) Initial directors serve until permanent directors are
17 elected under Section 9.

18 (d) Permanent directors serve staggered four-year terms.

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

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

23 (g) The directors serve without compensation; but are
24 entitled to reimbursement for actual expenses incurred in the
25 performance of activities related to district business including
26 education, travel and seminars.

27 SECTION 7. TEMPORARY DIRECTORS. (a) The temporary board of

1 directors is composed of:

- 2 (1) George Holekamp
- 3 (2) Madge Parmley Reid
- 4 (3) Thomas Syfan
- 5 (4) Eddie Taylor
- 6 (5) Tobin Parker

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

13 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

21 (c) At the confirmation and initial directors' election, the
22 temporary board of directors shall have the names of the five
23 persons serving as temporary directors placed on the ballot
24 together with the name of any candidate filing for the office of
25 director as provided by Subsection (b) of this section and blank
26 spaces to write in the names of other persons. If the district is
27 created at the election, the temporary directors, at the time the

1 vote is canvassed, shall declare the five persons who receive the
2 most votes to be elected as the initial directors and shall include
3 the results of the directors' election in its election report to
4 the Texas Water Commission.

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

8 (e) Except as provided by this section, a confirmation and
9 initial directors' election must be conducted as provided by
10 Sections 52.059(b)-(g), Water Code, and the Election Code.

11 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in
12 May of the second year after the year in which the district is
13 authorized to be created at a confirmation election, an election
14 shall be held in the district for the election of two directors who
15 shall each serve two-year terms and three directors who shall each
16 serve four-year terms. Thereafter, on the same date in each
17 subsequent second year, the appropriate number of directors shall
18 be elected to the board.

19 SECTION 10. ADDITIONAL AUTHORITY. (a) The district shall
20 contract with Kerr County or a river authority whose boundaries are
21 coextensive with the district's boundaries for services available
22 from the county or river authority that directly relate to the
23 district's activities. Any party to a contract required by this
24 subsection may petition the commission to resolve any dispute
25 arising out of the contract.

26 (b) The district may contract with a state agency or another
27 governmental body to carry out any function of the district.

1 SECTION 11. PROHIBITED ACTS. The district may not sell,
2 donate, lease, or otherwise grant rights in or to underground water
3 located in the district.

4 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

15 (c) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act are fulfilled
18 and accomplished.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1463 was passed by the House on May 2, 1991, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1463 on May 23, 1991, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1463 was passed by the Senate, with amendments, on May 21, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1463[✓] was passed by the House on

May 2[✓]₍₂₎, 1991, by the following vote:

Yeas 144₍₃₎, Nays 0₍₄₎, 1 present, not voting₍₄₎;

and that the House concurred in Senate amendments to H.B. No. 1463[✓]
on May 23[✓]₍₅₎, 1991, by a non-record vote.

Chief Clerk of the House

**** Preparation: CT62;

I certify that H.B. No. 1463[✓] was passed by the Senate, with

amendments, on May 21[✓]₍₂₎, 1991, by the

following vote: Yeas 31₍₃₎, Nays 0₍₄₎

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT14;

H. B. No. 1463

By J. Iderian

MAY 2 1991

A BILL TO BE ENTITLED
AN ACT

relating to the creation, administration, powers, duties,
and funding of the Headwatres Underground Water
Conservation District.

FEB 28 1991

1. Filed with the Chief Clerk.

MAR 1 1 1991

2. Read first time and Referred to Committee on

NATURAL RESOURCES

APR 1 6 1991

3. Reported favorably ^(as amended) and sent to Printer at 7:15p
~~(as substituted)~~

APR 1 9 1991

APR 2 0 1991

4. Printed and distributed at 12:29am

APR 2 2 1991

5. Sent to Committee on Calendars at L4C 8:51am

MAY 2 1991

6. Read second time ^{as subs.} ~~(amended)~~; passed to third reading ~~(failed)~~ by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas,
_____ nays, and _____ present, not voting).

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

9. Read third time ~~(amended)~~; finally passed ~~(failed)~~ by ~~(Non-Record Vote)~~ (Record Vote
of 144 yeas, 0 nays, 1 present, not voting).

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

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____
nays, and _____ present, not voting).

MAY 2 1991

12. Ordered Engrossed at 5:08pm

MAY 3 1991

13. Engrossed.

MAY 3 1991

14. Returned to Chief Clerk at 11:07p

MAY 6 1991

15. Sent to Senate.

Betty Murrey
Chief Clerk of the House

MAY 6 1991

16. Received from the House

MAY 7 1991

17. Read, referred to Committee on Natural Resources

18. Reported favorably

MAY 1 7 1991

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

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

22

91 MAY -3 PH11:07

HOUSE OF REPRESENTATIVES

 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of years, nays.

MAY 21 1991

Laid before Senate

23. Read second time passed to third reading by: (viva voce vote) years, nays.)

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

MAY 21 1991

25. Senate and Constitutional 3-Day Rules suspended by vote of 31 years, 0 nays to place bill on third reading and final passage.

MAY 21 1991

26. Read third time and passed by (a viva voce vote) 31 years, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

5-21-91

27. Returned to the House.

MAY 21 1991

28. Received from the Senate ~~(with amendments)~~ (as substituted.)

MAY 23 1991

29. House (Concurred) ~~(Refused to Concur)~~ in Senate ~~(Amendments)~~ by (Non-Record) (Vote) Record Vote of years, nays, present, not voting).

 30. Conference Committee Ordered.

 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of years, nays, and present, not voting).

MAY 23 1991

32. Ordered Enrolled at 6:30 pm

HOUSE OF REPRESENTATIVES

91 MAY 21 PM 9:47

HOUSE OF REPRESENTATIVES

91 APR 20 AM 12:29

P.R.

1163