A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the South Plains 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 South Plains Underground Water Conservation District, is created in Terry 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. DEFINITION. In this Act, "district" means the South Plains Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Terry County, Texas.

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

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

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

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

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

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

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

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

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

(1) Krege Keesee

(2) Ray Gober

(3) Lewis Waters
(4) Doyle Moss
(5) Lee Wayne Rowden

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

SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
(a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.
(d) Section 41.001(a), Election Code, does not apply to a
collection and initial directors' election held as provided by
this section.
(e) Except as provided by this section, a confirmation and
initial directors' election must be conducted as provided by
Sections 52.059(b)-(g), Water Code, and the Election Code.

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

SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
(a) The proper and legal notice of the intention to introduce this
Act, setting forth the general substance of this Act, has been
published as provided by law, and the notice and a copy of this Act
have been furnished to all persons, agencies, officials, or
entities to which they are required to be furnished by the
constitution and other laws of this state, including the governor,
who has submitted the notice and Act to the Texas Water Commission.
(b) The Texas Water Commission has filed its recommendations
relating to this Act with the governor, lieutenant governor, and
speaker of the house of representatives within the required time.
(c) All requirements of the constitution and laws of this
state and the rules and procedures of the legislature with respect
to the notice, introduction, and passage of this Act are fulfilled
and accomplished.

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

ss.

I, Lynn Brisendine, Publisher

THE BROWNFIELD NEWS

a newspaper of general circulation, printed and published in the City of Brownfield, County of Terry, State of Texas, do solemnly swear that a copy of the above notice, in the matter of

Notice Of Intent - South Plains Underground Water Conservation District.

Legal # 3476

as per clipping attached, was published weekly in the regular and entire edition of the said newspaper, and not in any supplement thereof, for a period of

1 consecutive week(s), as follows, to-wit:

First publication: December 2, 1990

Last publication: NIL 1990

Lynn Brisendine
Publisher

Subscribed and sworn to before me, this 3rd day of December, 1990

Twyla F. Clark
Notary Public

My Commission expires September 4, 1994
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. 281 by Rudd  
Relating to the creation of the South Plains 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,

\[Signature\]

Allen Beinke  
Executive Director

Enclosures

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

I certify this document to be a true and correct copy of the Texas Water Commission recommendations on H.B. # 281

\[Signature\]

Chief Clerk of the House
TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE SOUTH PLAINS
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 281 (H.B. 281) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the South Plains Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Terry County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, Cretaceous rocks which are in hydrologic continuity with the Ogallala and considered to be part of the High Plains aquifer, can also yield water to wells. There appears to be no hydrogeologic justification for the determination of district boundaries. Terry County has been included as a part of a TWC/TWDB Critical Area study currently underway.

H.B. 281 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 Terry County. In 1980, the population of Terry County was 14,581 residents. The population growth pattern over the past ten years reflects a decline in the County's population with a 1990 population of 13,218. However, the Board's current population projections indicate a reversal of this trend with the County's population ranging from 14,623 to 16,996 residents by the year 2010.

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

3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election including the election of five initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 52.107, Texas Water Code. At the election, the names of the five persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.059(b) - (g), Texas Water Code, and the Election Code.
On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of two permanent directors who shall serve two-year terms and three permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

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** - The current and future water needs of the County’s population, industries, and agriculture will continue to rely on area ground-water resources. The Board finds that creation of the proposed District agrees with the Board’s State Water Plan objective of promoting the efficient use of ground-water resources and implementation of management programs for addressing local ground-water problems in order 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).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for in Chapter 52, Subchapter G, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

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

7) **Exclusion of land from district** - This bill contains 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 Terry County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. This area was also part of The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was not confirmed by the voters. 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. There are no unusual or special powers or duties which have been granted to this district.

It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts
with Section 51.078 referenced specifically in H.B. 281. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.

I certify this document to be a true and correct copy of the Texas Water Commission recommendations on

H.B. # 281

[Signature]
Chief Clerk of the House
By Rudd

Substitute the following for H.B. No. 281:

By Yost

C.S.H.B. No. 281

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the South Plains 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 South Plains Underground Water Conservation District, is created in Terry County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the South Plains Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Terry County, Texas.

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.
C.S.H.B. No. 281

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

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

SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this Act.

(b) One director shall be elected by the electors of the entire district, and one director shall be elected from each county commissioners precinct by the electors of that precinct.

(c) A person shall indicate on the application for a place on the ballot the precinct that the person seeks to represent or that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Article V, Section 18, of the Texas Constitution, four new directors shall be elected to represent the precincts. The directors elected shall draw lots to determine their terms.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.
(b) A vacancy in the office of director shall be filled by appointment of the board until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

(c) To be eligible to serve as director, a person must be a registered voter in the precinct from which the person is elected or appointed if representing a precinct or in the district if representing the district at large.

SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors serve until initial directors are elected under Section 10.

(b) Initial directors serve until permanent directors are elected under Section 11.

(c) Permanent directors serve staggered four-year terms.

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

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

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

(1) Lewis Waters - at large
(2) Doyle Moss - Precinct No. 1
(3) Ray Gober - Precinct No. 2
(4) Charles Ray Smith - Precinct No. 3
(5) Lee Wayne Rowden - Precinct No. 4

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

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
(a) The temporary board of directors shall call and hold an
election to confirm establishment of the district and to elect five
initial directors.

(b) A person, including a temporary director, who desires to
be a candidate for the office of initial director may file an
application with the temporary board to have the candidate's name
printed on the ballot as provided by Section 52.107, Water Code.

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

(d) Section 41.001(a), Election Code, does not apply to a
confirmation and initial directors' election held as provided by
this section.
C.S.H.B. No. 281

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

SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of the directors for Precinct Nos. 1 and 3, who shall each serve two-year terms, and the directors for Precinct Nos. 2 and 4 and for the district at large, who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.
SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
The Honorable Gib Lewis  
Speaker of the House of Representatives  

February 18, 1991  

COMMITTEE REPORT  

Sir:

We, your COMMITTEE ON NATURAL RESOURCES, to whom was referred HB 281, 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).
( x ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (  ) yes ( x ) no  
An author's fiscal statement was requested. ( x ) yes (  ) no  
A criminal justice policy impact statement was requested. (  ) yes ( x ) no  
An equalized educational funding impact statement was requested. (  ) yes ( x ) no  
An actuarial analysis was requested. (  ) yes ( x ) no  
A water development policy impact statement was requested. ( x ) yes (  ) no  
A federal funds impact statement was requested. (  ) yes ( x ) no  
(x ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

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

House Sponsor of Senate Measure ____________________________

The measure was reported from Committee by the following vote:

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

Chairman  
Deborah K. McCall  
Committee Coordinator
BILL ANALYSIS

BACKGROUND

It is believed that the creation of the South Plains Underground Conservation District would be of benefit to the residents in the area.

PURPOSE OF THE BILL

This bill creates the South Plains Underground Water Conservation District.

SECTION BY SECTION ANALYSIS

Section 1. Creates the district and establishes it as essential to fulfilling Article XVI, Section 59, of the Texas Constitution.

Section 2. Defines "district."

Section 3. Finds the boundaries of the district to be coextensive with the boundaries of Terry County.

Section 4. Finds public use and benefit.

Section 5. Provides the district with the powers provided by Article XVI, Section 59, Texas Constitution and Chapters 50 and 52, Water Code. Provides for supervision by the Texas Water Commission.

Section 6. Provides for the election of directors according to the commissioner's precinct method as provided by this Act.

Section 7. Provides for a board of 5 directors, the filling of vacancies, and the qualifications for directors.

Section 8. Provides for temporary directors, initial directors, and four-year staggered terms and qualifications for permanent directors to follow Sections 51.078 and 51.079, Water Code.

Section 9. Names the temporary directors by precinct and provides for the filling of vacancies.

Section 10. Provides for the election and confirmation of initial directors, as provided by Sections 52.107, and 52.059(b)-(g), Water Code, and the Election Code excepting Section 41.001(a), Election Code.

Section 11. Provides for the election of directors on the first Saturday in May after the district confirmation election. Directors shall serve two (precincts 1 and 3) and four (precincts 2 and 4 and at large) year terms.

Section 12. Legislative findings that procedural requirements with respect to notice have been fulfilled.

COMPARISON OF SUBSTITUTE TO ORIGINAL BILL

CSHB 281 provides for the permanent directors' election according to the commissioner's precinct method, their filling of vacancies, and their eligibility requirements.

RULEMAKING AUTHORITY

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

SUMMARY OF COMMITTEE ACTION

HB 281 was referred directly to the Subcommittee on Water Districts. The subcommittee is comprised of the following members: Yost, Chair; Greenberg and Haggerty. Public notice was posted in accordance with the House Rules and HB 281 was considered in a public hearing of the subcommittee on February 12, 1991. A committee substitute was laid out for the bill by Chairman Yost. The following testified in favor of CSHB 281: Lewis M. Waters, representing himself; Graham Swain, representing the Brownsfield Chamber of Commerce; and Doyle Moss, representing himself. A motion was made to amend the bill to correct the two names of the temporary board members representing precincts 1 and 2 which were inadvertently reversed. The motion prevailed without objection. The motion to report HB 281, as substituted, favorably back to the full committee carried with a vote of 3 ayes, 0 nays, 0 absent, and 0 PNV.

In accordance with the House Rules, public notice was posted and the subcommittee report on HB 281 was heard in a public hearing of the Full Committee on February 18, 1991. No witnesses were present on the bill. The motion to adopt the subcommittee report prevailed without objection. The motion to report HB 281, as substituted, favorably back to the Full House with the recommendation that it be placed on the Local and Consent Calendar carried with a vote of 7 ayes, 0 nays, 0 PNV, and 2 absent.
February 4, 1991

The Honorable Ron Lewis, Chair
House Committee on Natural Resources
Reagan Building, Room 214

Dear Chairman Lewis:

Please accept the following as the fiscal projections regarding HB 281 relating to the creation, administration, powers, duties, operation and financing of the South Plains Underground Water Conservation District.

1992 - $100,000.00
1993 - 75,000.00
1994 - 75,000.00
1995 - 75,000.00
1996 - 75,000.00

If I can be of further service, please contact me.

Sincerely,

Jim D. Rudd
THE 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
Brenda W. Foster, Chief Clerk

Allen Beinke, Executive Director
February 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. 281 by Rudd

Relating to the creation of the South Plains 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 are provided by the Texas Water Commission.

Respectfully yours,

Allen Beinke
Executive Director

Enclosures

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

I certify this document to be a true and correct copy of the Texas Water Commission recommendations on H.B. 281.

Chief Clerk of the House

P. O. Box 13087 Capitol Station • 1700 North Congress Ave. • Austin, Texas 78711-3087 • Area Code 512/463-7830
Texas Water Commission and Texas Water Development Board
Comments Relating to the South Plains
Underground Water Conservation District

Water Development Policy Impact Statement for House Bill 281 (H.B. 281) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the South Plains Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Terry County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, Cretaceous rocks which are in hydrologic continuity with the Ogallala and considered to be part of the High Plains aquifer, can also yield water to wells. There appears to be no hydrogeologic justification for the determination of district boundaries. Terry County has been included as a part of a TWC/TWDB Critical Area study currently underway.

H.B. 281 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 Terry County. In 1980, the population of Terry County was 14,581 residents. The population growth pattern over the past ten years reflects a decline in the County's population with a 1990 population of 13,218. However, the Board's current population projections indicate a reversal of this trend with the County's population ranging from 14,623 to 16,996 residents by the year 2010.

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

3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election including the election of five initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 52.107, Texas Water Code. At the election, the names of the five persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.059(b) - (g), Texas Water Code, and the Election Code.
On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of two permanent directors who shall serve two-year terms and three permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

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** - The current and future water needs of the County's population, industries, and agriculture will continue to rely on area ground-water resources. The Board finds that creation of the proposed District agrees with the Board's State Water Plan objective of promoting the efficient use of ground-water resources and implementation of management programs for addressing local ground-water problems in order 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).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for in Chapter 52, Subchapter G, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

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

7) **Exclusion of land from district** - This bill contains 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 Terry County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. This area was also part of The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was not confirmed by the voters. 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. There are no unusual or special powers or duties which have been granted to this district.

It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts
with Section 51.078 referenced specifically in H.B. 281. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.

I certify this document to be true and correct.

Water Commission Mailing Address

H.B. # 281

Chief Clerk of the House
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the South Plains 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 South Plains Underground Water Conservation District, is created in Terry County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the South Plains Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Terry County, Texas.

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

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

SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this Act.

(b) One director shall be elected by the electors of the entire district, and one director shall be elected from each county commissioners precinct by the electors of that precinct.

(c) A person shall indicate on the application for a place on the ballot the precinct that the person seeks to represent or that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Article V, Section 18, of the Texas Constitution, four new directors shall be elected to represent the precincts. The directors elected shall draw lots to determine their terms.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.
(b) A vacancy in the office of director shall be filled by appointment of the board until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

(c) To be eligible to serve as director, a person must be a registered voter in the precinct from which the person is elected or appointed if representing a precinct or in the district if representing the district at large.

SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors serve until initial directors are elected under Section 10.
(b) Initial directors serve until permanent directors are elected under Section 11.
(c) Permanent directors serve staggered four-year terms.
(d) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.
(e) A director serves until the director's successor has qualified.

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

(1) Lewis Waters - at large
(2) Doyle Moss - Precinct No. 1
(3) Ray Gober - Precinct No. 2
(4) Charles Ray Smith - Precinct No. 3
(5) Lee Wayne Rowden - Precinct No. 4

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

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
(a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.
(b) A person, including a temporary director, who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.
(c) At the confirmation and initial directors' election, the temporary board of directors shall have the name of any candidate filing for the office of director as provided by Subsection (b) of this section placed on the ballot and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the person who receives the most votes in each precinct to be elected as director for that precinct and the person who receives the most votes in the district to be elected as director for the district at large. The district shall include the results of the directors' election in its election report to the Texas Water Commission.
(d) Section 41.001(a), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.
(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Sections 52.059(b)-(g), Water Code, and by the Election Code.

SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of the directors for Precinct Nos. 1 and 3, who shall each serve two-year terms, and the directors for Precinct Nos. 2 and 4 and for the district at large, who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.
C.S.H.B. No. 281

SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
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. 281 by Rudd
Relating to the creation of the South Plains 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 Rudd
TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE SOUTH PLAINS
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 281 (H.B. 281) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the South Plains Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Terry County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, Cretaceous rocks which are in hydrologic continuity with the Ogallala and considered to be part of the High Plains aquifer, can also yield water to wells. There appears to be no hydrogeologic justification for the determination of district boundaries. Terry County has been included as a part of a TWC/TWDB Critical Area study currently underway.

H.B. 281 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 Terry County. In 1980, the population of Terry County was 14,581 residents. The population growth pattern over the past ten years reflects a decline in the County's population with a 1990 population of 13,218. However, the Board's current population projections indicate a reversal of this trend with the County's population ranging from 14,623 to 16,996 residents by the year 2010.

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

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The temporary board shall call and hold a confirmation election including the election of five initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 52.107, Texas Water Code. At the election, the names of the five persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.059(b) - (g), Texas Water Code, and the Election Code.
On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of two permanent directors who shall serve two-year terms and three permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

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** - The current and future water needs of the County’s population, industries, and agriculture will continue to rely on area ground-water resources. The Board finds that creation of the proposed District agrees with the Board’s State Water Plan objective of promoting the efficient use of ground-water resources and implementation of management programs for addressing local ground-water problems in order to enhance the availability of local ground-water supplies.

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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. There are no unusual or special powers or duties which have been granted to this district.

It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts
with Section 51.078 referenced specifically in H.B. 281. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.
A BILL TO BE ENTITLED

AN ACT
relating to the creation, administration, powers, duties, operation, and financing of the South Plains 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 South Plains Underground Water Conservation District, is created in Terry County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this Act.

(b) One director shall be elected by the electors of the entire district, and one director shall be elected from each county commissioners precinct by the electors of that precinct.

(c) A person shall indicate on the application for a place on the ballot the precinct that the person seeks to represent or that the person seeks to represent the district at large.

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(4) Charles Ray Smith - Precinct No. 3
(5) Lee Wayne Rowden - Precinct No. 4

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

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election to confirm establishment of the district and to elect five
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be a candidate for the office of initial director may file an
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printed on the ballot as provided by Section 52.107, Water Code.

(c) At the confirmation and initial directors' election, the
temporary board of directors shall have the name of any candidate
filing for the office of director as provided by Subsection (b) of
this section placed on the ballot and blank spaces to write in the
names of other persons. If the district is created at the
election, the temporary directors, at the time the vote is
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each precinct to be elected as director for that precinct and the
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shall be elected to the board.

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

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

(c) All requirements of the constitution and laws of this
state and the rules and procedures of the legislature with respect
to the notice, introduction, and passage of this Act are fulfilled
and accomplished.
SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
February 4, 1991

The Honorable Ron Lewis, Chair
House Committee on Natural Resources
Reagan Building, Room 214

Dear Chairman Lewis:

Please accept the following as the fiscal projections regarding HB 281 relating to the creation, administration, powers, duties, operation and financing of the South Plains Underground Water Conservation District.

1992 - $100,000.00
1993 - 75,000.00
1994 - 75,000.00
1995 - 75,000.00
1996 - 75,000.00

If I can be of further service, please contact me.

Sincerely,

Jim D. Rudd
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. 281 by Rudd  

Relating to the creation of the South Plains Underground Water Conservation District

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Respectfully yours,

[Signature]

Allen Beinke  
Executive Director

Enclosures  
cc: Representative Lewis, Chairman  
House Natural Resources Committee  
Representative Rudd
Water Development Policy Impact Statement for House Bill 281 (H.B. 281) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the South Plains Underground Water Conservation District follow.

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

3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election including the election of five initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 52.107, Texas Water Code. At the election, the names of the five persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.059(b) - (g), Texas Water Code, and the Election Code.
On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of two permanent directors who shall serve two-year terms and three permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

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.

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

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for in Chapter 52, Subchapter G, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

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

7) **Exclusion of land from district** - This bill contains 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 Terry County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. This area was also part of The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was not confirmed by the voters. 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. There are no unusual or special powers or duties which have been granted to this district.

It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts
with Section 51.078 referenced specifically in H.B. 281. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.
relating to the creation, administration, powers, duties, operation, and financing of the South Plains 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 South Plains Underground Water Conservation District, is created in Terry County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the South Plains Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Terry County, Texas.

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.

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

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

SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this Act.

(b) One director shall be elected by the electors of the entire district, and one director shall be elected from each county commissioners precinct by the electors of that precinct.

(c) A person shall indicate on the application for a place on the ballot the precinct that the person seeks to represent or that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Article V, Section 18, of the Texas Constitution, four new directors shall be elected to represent the
precincts. The directors elected shall draw lots to determine
their terms.

SECTION 7. BOARD OF DIRECTORS. (a) The district is
governed by a board of five directors.
(b) A vacancy in the office of director shall be filled by
appointment of the board until the next election for directors. If
the position is not scheduled to be filled at the election, the
person elected to fill the position shall serve only for the
remainder of the unexpired term.
(c) To be eligible to serve as director, a person must be a
registered voter in the precinct from which the person is elected
or appointed if representing a precinct or in the district if
representing the district at large.

SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors
serve until initial directors are elected under Section 10.
(b) Initial directors serve until permanent directors are
elected under Section 11.
(d) Each director must qualify to serve as director in the
manner provided by Sections 51.078 and 51.079, Water Code.
(e) A director serves until the director's successor has
qualified.

SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board of
directors is composed of:
(1) Lewis Waters at large
(2) Doyle Moss - Precinct No. 1
(3) Ray Gober - Precinct No. 2
(4) Charles Ray Smith - Precinct No. 3
(5) Lee Wayne Rowden - Precinct No. 4
(b) If a temporary director fails to qualify for office, the
temporary directors who have qualified shall appoint a person to
fill the vacancy. If at any time there are fewer than three
qualified temporary directors, the Texas Water Commission shall
appoint the necessary number of persons to fill all vacancies on
the board.

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
(a) The temporary board of directors shall call and hold an
election to confirm establishment of the district and to elect five
initial directors.
(b) A person, including a temporary director, who desires to
be a candidate for the office of initial director may file an
application with the temporary board to have the candidate's name
printed on the ballot as provided by Section 52.107, Water Code.
(c) At the confirmation and initial directors' election, the
temporary board of directors shall have the name of any candidate
filing for the office of director as provided by Subsection (b) of
this section placed on the ballot and blank spaces to write in the
names of other persons. If the district is created at the
election, the temporary directors, at the time the vote is
canvassed, shall declare the person who receives the most votes in
each precinct to be elected as director for that precinct and the
person who receives the most votes in the district to be elected as
director for the district at large. The district shall include the
results of the directors' election in its election report to the
Texas Water Commission.
(d) Section 41.001(a), Election Code, does not apply to a
confirmation and initial directors' election held as provided by
this section.
(e) Except as provided by this section, a confirmation and
initial directors' election must be conducted as provided by
Sections 52.059(b)-(g), Water Code, and by the Election Code.

SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in
May of the second year after the year in which the district is
authorized to be created at a confirmation election, an election
shall be held in the district for the election of the directors for
Precinct Nos. 1 and 3, who shall each serve two-year terms, and the
directors for Precinct Nos. 2 and 4 and for the district at large,
who shall each serve four-year terms. Thereafter, on the same date
in each subsequent second year, the appropriate number of directors
shall be elected to the board.
SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

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

* * * * *

Austin, Texas
April 2, 1991

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B. No. 281, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Sims, Chairman
FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 281

By Rudd J. Montford

(Author/Senate Sponsor)

4-2-91

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 3-27-91, had the same under consideration and I am instructed to report it back with the recommendation(s) that it:

☑ do pass and be printed

() do pass and be ordered not printed

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

A fiscal note was requested. ☑ yes () no

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

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

Considered by subcommittee. () yes () no

The measure was reported from Committee by the following vote:

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COMMITTEE ACTION

☑ Considered in public hearing

☑ Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
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
TO: Honorable Bill Sims, Chairman
    Committee on Natural Resources
    Senate Chamber
    Austin, Texas

IN RE: House Bill No. 281,
      as engrossed
      By: Rudd

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 281, as engrossed (relating to the
creation, administration, powers, duties, operation, and financing of the South Plains 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 House as to its probable
fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, JG, LC

72FSB281.AE
February 4, 1991

The Honorable Ron Lewis, Chair
House Committee on Natural Resources
Reagan Building, Room 214

Dear Chairman Lewis:

Please accept the following as the fiscal projections regarding HB 281 relating to the creation, administration, powers, duties, operation and financing of the South Plains Underground Water Conservation District.

1992 - $100,000.00
1993 - 75,000.00
1994 - 75,000.00
1995 - 75,000.00
1996 - 75,000.00

If I can be of further service, please contact me.

Sincerely,

[Signature]

Jim D. Rudd
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. 201, 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.

JAN 16 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.

Jan. 17, 1991
Date transmitted to
Texas Water Commission

Ann W. Richards
Governor

TO: The Honorable 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
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. 281 by Rudd  
Relating to the creation of the South Plains 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 Rudd
Water Development Policy Impact Statement for House Bill 281 (H.B. 281) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the South Plains Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Terry County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, Cretaceous rocks which are in hydrologic continuity with the Ogallala and considered to be part of the High Plains aquifer, can also yield water to wells. There appears to be no hydrogeologic justification for the determination of district boundaries. Terry County has been included as a part of a TWC/TWDB Critical Area study currently underway.

H.B. 281 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 Terry County. In 1980, the population of Terry County was 14,581 residents. The population growth pattern over the past ten years reflects a decline in the County's population with a 1990 population of 13,218. However, the Board's current population projections indicate a reversal of this trend with the County's population ranging from 14,623 to 16,996 residents by the year 2010.

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

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On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of two permanent directors who shall serve two-year terms and three permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

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It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts
with Section 51.078 referenced specifically in H.B. 281. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.
AFFIDAVIT OF PUBLICATION
STATE OF TEXAS
COUNTY OF TERRY

I. Lynn Brisendine Publisher

THE BROWNFIELD NEWS

a newspaper of general circulation, printed and published in the City of Brownfield, County of Terry, State of Texas, do solemnly swear that a copy of the above notice, in the matter of

Notice Of Intent - South Plains Underground Water Conservation District.
Legal # 3476

as per clipping attached, was published weekly in the regular and entire edition of the said newspaper, and not in any supplement thereof, for a period of

...1 consecutive week(s), as follows, to-wit:

First publication December 2, 1990

Last publication NIL December 2, 1990


Publisher

Subscribed and sworn to before me, this 3rd day of December, 1990

TWINA F. CLARK
Notary Public

My Commission expires September 4, 1994
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 281, by: Eudd/Montford, (author) (Bill No.) was heard by the Committee on Natural Resources on 3-27 19 91, 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.
AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the South Plains 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 South Plains Underground Water Conservation District, is created in Terry County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the South Plains Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Terry County, Texas.

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

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

SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this Act.

(b) One director shall be elected by the electors of the entire district, and one director shall be elected from each county commissioners precinct by the electors of that precinct.

(c) A person shall indicate on the application for a place on the ballot the precinct that the person seeks to represent or that the person seeks to represent the district at large.

(d) At the first election after the county commissioners precincts are redrawn under Article V, Section 18, of the Texas Constitution, four new directors shall be elected to represent the precincts. The directors elected shall draw lots to determine their terms.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.
H.B. No. 281

(b) A vacancy in the office of director shall be filled by appointment of the board until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

(c) To be eligible to serve as director, a person must be a registered voter in the precinct from which the person is elected or appointed if representing a precinct or in the district if representing the district at large.

SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors serve until initial directors are elected under Section 10.

(b) Initial directors serve until permanent directors are elected under Section 11.

(c) Permanent directors serve staggered four-year terms.

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

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

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

(1) Lewis Waters - at large
(2) Doyle Moss - Precinct No. 1
(3) Ray Gober - Precinct No. 2
(4) Charles Ray Smith - Precinct No. 3
(5) Lee Wayne Rowden - Precinct No. 4

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

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

(b) A person, including a temporary director, who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.

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

(d) Section 41.001(a), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.
Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Sections 52.059(b)-(g), Water Code, and by the Election Code.

SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of the directors for Precinct Nos. 1 and 3, who shall each serve two-year terms, and the directors for Precinct Nos. 2 and 4 and for the district at large, who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

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

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

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.
SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
H.B. No. 281

President of the Senate

I certify that H.B. No. 281 was passed by the House on March 7, 1991, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 281 was passed by the Senate on April 12, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: ____________________________

Date

__________________________
Governor
President of the Senate

I certify that H.B. No. 281 was passed by the House on March 7, 1991, by the following vote:

Yea 139\(^{(2)}\), Nays 0\(^{(3)}\), 2\(^{(4)}\) present, not voting

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 281 was passed by the Senate on April 12, 1991, by the following vote:

Yea 31\(^{(5)}\), Nays 0\(^{(6)}\)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT25;
A BILL TO BE ENTITLED
AN ACT
relating to the creation, administration, powers, duties, operation, and financing of the South Plains Underground Water Conservation District.

H. B. No. 281

By

MAR 7 1991
9. Read third time (amended); finally passed (rolled) by [Votes not recorded] (Record Vote of 137 year, 0 nays, 2 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 ______ year, ______ nays, and ______ present, not voting).

MAR 7 1991
12. Ordered Engrossed at 11:25 a.m.

MAR 7 1991
13. Engrossed.

MAR 7 1991
14. Returned to Chief Clerk at 9:07 a.m.

MAR 11 1991
15. Sent to Senate.

Chief Clerk of the House

MAR 11 1991
16. Received from the House

MAR 12 1991
17. Read, referred to Committee on [NATURAL RESOURCES]

APR - 2 1991
18. Reported favorably

APR - 2 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.)
(______ year, ______ nays.)
22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

Laid before the Senate

APR 12 1991

23. Read second time passed to third reading by (a voice vote.) yeas, nays.

APR 12 1991

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

APR 12 1991

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

APR 12 1991

26. Read third time and passed by (a voice vote.) yeas, nays.

OTHER ACTION:

OTHER ACTION:

Lindy King
Secretary of the Senate

APR 12 1991

27. Returned to the House.

APR 12 1991

28. Received from the Senate (with amendments.)

APR 12 1991

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

APR 12 1991

30. Conference Committee Ordered.

APR 12 1991

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

APR 12 1991

32. Ordered Enrolled at 10:32 AM.

HOUSE OF REPRESENTATIVES
PH 9:07
919 HR-7
FEB 19 GH 12:30