A BILL TO BE ENTITLED

AN ACT
relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water 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 Menard County Underground Water District, is created in Menard County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the Menard County Underground Water District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Menard County, with the exception of the territory contained within the Hickory Underground Water Control District No. 1.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. 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 6. 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 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

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

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

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the manner provided by Sections 52.108 and 51.079, Water Code.

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

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on the board of directors but may be reimbursed as provided by
bond rules for expenses incurred in carrying out the business of
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SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
directors is composed of:

(1) Carl A. Martin, Jr.
(2) Murph M. Compton
(3) Mark W. Jones
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(5) Bill Austin

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temporary directors who have qualified shall appoint a person to
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qualified temporary directors, the Texas Water Commission shall
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the board.

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election to confirm establishment of the district and to elect five
initial directors.

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initial director may file an application with the temporary board
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Subsection (a),

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

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Legislature, 1st Called Session, 1957, is amended by adding Section
1A to read as follows:
Sec. 1A. The District is governed by a board of five directors composed of the persons who serve as directors of the Menard County Underground Water District. Each director of the Menard County Underground Water District serves on the board of directors of the Menard County Water Control and Improvement District No. 1 as an additional duty of his office as director of the underground water district. A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the District.

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SECTION 14. 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 15. EFFECTIVE DATE. This Act takes effect
immediately, except Section 11 of this Act takes effect on the date
the temporary board of directors declares the results of the
confirmation and initial directors' election to be favorable to the
creation of the district and declares the district created.

SECTION 16. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.
By: Sims  S.B. No. 1465
(In the Senate - Filed April 2, 1991; April 8, 1991, read first time and referred to Committee on Natural Resources; April 18, 1991, reported favorably by the following vote: Yeas 8, Nays 0; April 18, 1991, sent to printer.)

COMMITTEE VOTE

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<th>Yea</th>
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(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.
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* * * * *

Austin, Texas
April 18, 1991

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1465, 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 1465
By ________________
(Author/Senate Sponsor)
4-18-91
(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 _______ 4-17-91 _________, 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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<tr>
<td>Sims, Chairman</td>
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<td>TOTAL VOTES</td>
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COMMITTEE ACTION

☐260 Considered in public hearing
☐270 Testimony taken

COMMITTED 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: Senate Bill No. 1465
                By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, DF, LC
Pipe For Sale
2 7/8", 65c Fl; 3 1/2", 65c Fl
2 3/8", 50c Fl; 2 1/16", 45c Fl

Walter Russell
915-396-2532
(Night or early morning)
Free Delivery

Legal Notice

The Menard County Water Control and Improvement District #1 hereby serves notice that it is the intent of the Menard County Water Control and Improvement District #1 to amend current statute to include Chapter 52 of the Texas Water Code granting authority to the Menard County Water Control and Improvement District #1 to regulate underground water.

The purpose of this legislation is to enable the Menard County Water Control and Improvement District #1 to preserve, protect, and conserve the underground water of Menard County.

The proposed underground water district’s boundaries will be contiguous with the boundaries of Menard County save and except the area presently under jurisdiction of the Hickory Underground Water Conservation District #1 in Menard County.

Issued By Menard County Water Control & Improvement District #1
Board of Directors 21c-18

Bid Notice

Bids are now being accepted for sale of

| 12.73 | 15 acr |
| 18-19 | 150 acr |
| 52 acr | 118 ac |
| 270 ac | 1,238 a |
| 2,500 a | 138 ac |
| RANC | and |
| 211 ac | $30 |
| 610 ac | 647 ac |
| 962 ac | 2000 ac |
| 200 ac | 1,270 a |
| 1,460 ac | 2,000 to |
| 2,000 to | 10 |
| 2 lots | Large lot |
| 1 HS | 10 |
| 6 | Nice SB |
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 1465, by: ____________,
(Bill No.)
was heard by the Committee on Natural Resources on April 17, 1991,
(author)
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.

[Signature]
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO 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.
S.B. No. 1465

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territory located within the boundaries of Menard County is
S.B. No. 1465

excluded from and is no longer included within the boundaries of
the Plateau Underground Water Conservation and Supply District and
is no longer subject to the jurisdiction of the Plateau Underground
Water Conservation and Supply District.

SECTION 14. 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 15. EFFECTIVE DATE. This Act takes effect
immediately, except Section 11 of this Act takes effect on the date
the temporary board of directors declares the results of the
confirmation and initial directors' election to be favorable to the
creation of the district and declares the district created.

SECTION 16. 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.
TO: Honorable Bill Sims, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas  

IN RE: Senate Bill No. 1465  
By: Sims  

FROM: Jim Oliver, Director  

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:  

No fiscal implication to the State is anticipated.  

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

Source: LBB Staff: JO, JWH, DF, LC
By: Sims
(Hilderbran)  S.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the Menard County Underground Water
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 Menard County Underground Water
District, is created in Menard County, subject to approval at a
confirmation election under Section 9 of this Act. The district is
a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the
Menard County Underground Water District.

SECTION 3. BOUNDARIES. The district includes the territory
contained within Menard County, with the exception of the territory
contained within the Hickory Underground Water Control District
No. 1.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries of the district form a closure.

SECTION 5. 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 6. 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 7. BOARD OF DIRECTORS. (a) The district is
governed by a board of five directors.

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

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

(d) Permanent directors other than initial permanent
directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the
manner provided by Sections 52.108 and 51.079, Water Code.

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

(g) A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district.

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

(1) Carl A. Martin, Jr.
(2) Murph M. Compton
(3) Mark W. Jones
(4) A. B. Williams
(5) Bill Austin

(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 9. 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) Subsection (a), Section 41.001, 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 Subsections (b) through (g), Section 52.059, Water Code, and the Election Code.

SECTION 10. 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 directors. The five directors receiving the highest number of votes are directors for the district. The three directors receiving the highest number
of votes shall serve four-year terms, and the remaining two
directors shall serve two-year terms. Thereafter, on the same date
in each subsequent second year, the appropriate number of directors
shall be elected to the board.

SECTION 11. AMENDMENT. Chapter 31, Acts of the 55th
Legislature, 1st Called Session, 1957, is amended by adding Section
1A to read as follows:

Sec. 1A. The District is governed by a board of five
directors composed of the persons who serve as directors of the
Menard County Underground Water District. Each director of the
Menard County Underground Water District serves on the board of
directors of the Menard County Water Control and Improvement
District No. 1 as an additional duty of his office as director of
the underground water district. A director is not entitled to
compensation for service on the board of directors but may be
reimbursed as provided by board rules for expenses incurred in
carrying out the business of the District.

SECTION 12. ADDITIONAL DUTY. Each person designated under
this Act as a temporary director for the Menard County Underground
Water District serves in that capacity as an additional duty of
office as a director of the Menard County Water Control and
Improvement District No. 1.

SECTION 13. EXCLUSION. On the date on which creation of the
Menard County Underground Water District is confirmed, the
territory located within the boundaries of Menard County is
excluded from and is no longer included within the boundaries of
the Plateau Underground Water Conservation and Supply District and
is no longer subject to the jurisdiction of the Plateau Underground
Water Conservation and Supply District.

SECTION 14. 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 15. EFFECTIVE DATE. This Act takes effect
immediately, except Section 11 of this Act takes effect on the date
the temporary board of directors declares the results of the
confirmation and initial directors' election to be favorable to the
creation of the district and declares the district created.

SECTION 16. 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.
Sir:

We, your COMMITTEE ON NATURAL RESOURCES, to whom was referred SB 1465 have had the same under consideration and beg to report (measure) back with the recommendation that it

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

A fiscal note was requested. ( ) yes ( ) no An author's fiscal statement was requested. ( ) yes ( ) no

A criminal justice policy impact statement was requested. ( ) yes ( ) no
An equalized educational funding impact statement was requested. ( ) yes ( ) no
An actuarial analysis was requested. ( ) yes ( ) no

A water development policy impact statement was requested. ( ) yes ( ) no
A federal funds impact statement was requested. ( ) yes ( ) no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consen: Calendars.

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

House Sponsor of Senate Measure Hilderbran

The measure was reported from Committee by the following vote:

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<tr>
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<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
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<tr>
<td>Lewis, R., Ch.</td>
<td>x</td>
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<td>Willy, V.C.</td>
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<td>Coliazo, C.B.O.</td>
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<td>Bosse</td>
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</table>

Total: 8 aye, 0 nay, 0 present, not voting, 1 absent

SIGNED

CHAIRMAN

COMMITTEE COORDINATOR
BILL ANALYSIS

BACKGROUND

Menard County is mainly composed of farming and ranching communities. The citizens of the county feel that the creation of an underground water district will aid in the regulation of water use, and request that the district be defined by county boundaries, with the exception of the territory contained within the Hickory Underground Water Control District No. 1.

PURPOSE OF THE BILL

As proposed, this bill creates the Menard County Underground Water District.

SECTION BY SECTION ANALYSIS

SECTION 1. Creates the district.

SECTION 2. Defines "district."

SECTION 3. Establishes district boundaries.

SECTION 4. Legislative finding that the district boundaries form a closure.

SECTION 5. Legislative finding of public use and benefit.

SECTION 6. Provides for the district to have all powers conferred by state law, including Chapters 50 and 52, Water Code; provides for this Act to prevail over conflicts with general law; and provides for continuing supervision by the state.

SECTION 7. Provides for a board of five directors serving staggered four-year terms; temporary directors; initial directors; qualifications for directors; and reimbursement for actual expenses.

SECTION 8. Names the temporary directors; provides for filling a vacancy.

SECTION 9. Provides for the confirmation and initial directors' elections.

SECTION 10. Provides for the election of permanent directors.

SECTION 11. Amends Chapter 31, Acts of the 55th Legislature, 1st Called Session, 1957, to provide for the Menard County Water Control and Improvement District to be governed by a board of directors composed of the persons who serve as directors of the Menard County Underground Water District.

SECTION 12. Establishes that temporary directors of the Menard County UWD serve as directors of the Menard County WCID No. 1 as an additional duty.
SECTION 13. Excludes Menard County from the Plateau Underground Water and Supply District upon creation of the Menard County District.

SECTION 14. Legislative finding that procedural requirements have been met.

SECTION 15. Effective date: immediately, except Section 11, to take effect when the district and the initial directors are elected and the district is declared created.

SECTION 16. Emergency clause. Effective date; upon passage.

RULEMAKING AUTHORITY

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

SUMMARY OF COMMITTEE ACTION

SB 1465 was taken up in a public hearing of the full committee on May 6, 1991. No witnesses were present on the bill. A motion to report SB 1465 favorably back to the full House with the recommendation that it be placed on the Local and Consent calendar carried by a vote of 8 ayes, 0 nay, 0 PNV and 1 absent.
TO:       Honorable Bill Sims, Chairman
          Committee on Natural Resources
        Senate Chamber
        Austin, Texas

        IN RE: Senate Bill No. 1465
        By:    Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, DF, LC
May 6, 1991

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author’s Fiscal Statement. SB1465 (relating to the creation, administration, powers, duties, operation and financing of the Menard County Underground Water District.

Sir:

In response to your request for an Author’s Fiscal Statement on SB1465, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.

   The Board of Directors consists of five elected directors who serve without compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the District.

2. COST OF MENARD COUNTY GOVERNMENT: funded through interest income.

   A. Maintenance and operating expenses of the district.

   B. The district may not levy any tax without the approval of the qualified voters of the district.

3. FISCAL YEAR PROJECTIONS:

   1991.....no cost is anticipated
   1992.....no cost is anticipated
   1993.....no cost is anticipated
   1994.....no cost is anticipated
   1995.....no cost is anticipated

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

Sincerely,

Harvey Hilderbrand

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

relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water 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 Menard County Underground Water District, is created in Menard County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means the Menard County Underground Water District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Menard County, with the exception of the territory contained within the Hickory Underground Water Control District No. 1.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. 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

S.B. No. 1465
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 6. 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 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

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

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

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the manner provided by Sections 52.108 and 51.079, Water Code.

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

(g) A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district.

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

(1) Carl A. Martin, Jr.
(2) Murph M. Compton
(3) Mark W. Jones
(4) A. B. Williams
(5) Bill Austin

(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 9. 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) Subsection (a), Section 41.001, 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 Subsections (b) through (g), Section 52.059, Water Code, and the Election Code.

SECTION 10. 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 directors. The five directors receiving the highest number of votes are directors for the district. The three directors receiving the highest number
of votes shall serve four-year terms, and the remaining two
directors shall serve two-year terms. Thereafter, on the same date
in each subsequent second year, the appropriate number of directors
shall be elected to the board.

SECTION 11. AMENDMENT. Chapter 31, Acts of the 55th
Legislature, 1st Called Session, 1957, is amended by adding Section
1A to read as follows:

Sec. 1A. The District is governed by a board of five
directors composed of the persons who serve as directors of the
Menard County Underground Water District. Each director of the
Menard County Underground Water District serves on the board of
directors of the Menard County Water Control and Improvement
District No. 1 as an additional duty of his office as director of
the underground water district. A director is not entitled to
compensation for service on the board of directors but may be
reimbursed as provided by board rules for expenses incurred in
carrying out the business of the District.

SECTION 12. ADDITIONAL DUTY. Each person designated under
this Act as a temporary director for the Menard County Underground
Water District serves in that capacity as an additional duty of
office as a director of the Menard County Water Control and
Improvement District No. 1.

SECTION 13. EXCLUSION. On the date on which creation of the
Menard County Underground Water District is confirmed, the
territory located within the boundaries of Menard County is
S.B. No. 1465

excluded from and is no longer included within the boundaries of the Plateau Underground Water Conservation and Supply District and is no longer subject to the jurisdiction of the Plateau Underground Water Conservation and Supply District.

SECTION 14. 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 15. EFFECTIVE DATE. This Act takes effect immediately, except Section 11 of this Act takes effect on the date the temporary board of directors declares the results of the confirmation and initial directors' election to be favorable to the creation of the district and declares the district created.

SECTION 16. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
S.3. No. 1465

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1465 passed the Senate on April 26, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1465 passed the House on May 10, 1991, by the following vote: Yeas 133, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

__________________________
Date

__________________________
Governor
BILL ANALYSIS

Senate Research Center

S.B. 1465
By: Sims
Natural Resources
5-31-91
Enrolled

BACKGROUND

Menard County's increasing dependence on water primarily for agriculture warrants the creation of an underground water district for the protection and regulation of groundwater available to the residents of the county.

PURPOSE

As proposed, S.B. 1465 provides for the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. (a) Creates the Menard County Underground Water District (district) as an underground water conservation district subject to approval at a confirmation election under Section 9 of this Act. Provides that this district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. Defines "district."

SECTION 3. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. Sets forth the finding that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. Sets forth the finding that 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. Provides that the district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) Sets forth the general powers of the district. Provides that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Provides that the rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing supervision of the Texas Water Commissioner.

SECTION 7. BOARD OF DIRECTORS. (a) Requires the board to be governed by a board of five directors.

(b) Provides for the terms of office of temporary directors.

(c) Provides for the terms of office of initial permanent directors.
(d) Provides for the terms of office of permanent directors other than initial permanent directors.

(e) Provides that each director must qualify to serve as director in the manner provided by Sections 52.108 and 51.079, Water Code.

(f) Provides that a director serves until the director's successor has qualified.

(g) Provides for the compensation of the board of directors.

SECTION 8. TEMPORARY DIRECTORS. (a) Sets forth the composition of the board of directors.

(b) Provides for a vacancy on the board of temporary directors.

SECTION 9. CONFIRMATION AND INITIAL DIRECTOR'S ELECTION. (a) Requires the board of directors to call and hold an election to confirm establishment of the district.

(b) Requires a candidate for the office of initial director to 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) Provides for the election of the initial directors. Requires the district to include the results of the director's election in its election report to the Texas Water Commission.

(d) Provides that Section 41.001(a), Election Code, does not apply to a confirmation and initial director's election.

(e) Requires a confirmation and initial director's election to be conducted as provided by Sections 52.059(b)-(g), Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. Provides for the election of directors.

SECTION 11. AMENDMENT. Amends Chapter 31, Acts of the 55th Legislature, 1st Called Session, 1957, by adding Section 1A, as follows:

Sec. 1A. Provides that the district is governed by a board of five directors composed of the persons who serve as directors of the Menard County Underground Water District. Provides that each director of the Menard County Underground Water District serves on the board of directors of the Menard County Water Control and Improvement District No. 1 as an additional duty of his office as director of the underground water district. Prohibits a director from being entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district.

SECTION 12. ADDITIONAL DUTY. Provides that a temporary director for the Menard County Underground Water District also serves as a director of the Menard County Water Control and Improvement District No. 1.

SECTION 13. EXCLUSION. Excludes territory located with the boundaries of Menard County from the Plateau Underground Water Conservation and Supply District on the date on which creation of the Menard County Underground Water District is confirmed.

SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) Provides that the proper and legal notification of the intention to introduce this Act has been accomplished.

(b) Provides that 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) Provides that 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 15. EFFECTIVE DATE. Provides that this Act takes effect immediately (upon passage), except that Section 11 takes effect on the date the temporary board of directors declares the results of the confirmation and initial directors' election to be favorable to the creation of the district and declares the district created.

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

IN RE: Senate Bill No. 1465
       By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1465 (relating to the creation, administration, powers, duties, operation, and financing of the Menard County Underground Water District) this office has determined the following:

No fiscal implication to the State is anticipated.

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

Source: LBB Staff: JO, JWH, DF, LC
Pipe For Sale
2 7/8", 65c Ft.; 3 1/2", 65c Ft.
2 3/8", 50c Ft.; 2 1/16", 45c Ft.

Walter Russell
915-396-2532
(Night or early morning)
Free Delivery

Legal Notice

The Menard County Water Control and Improvement District #1 hereby serves notice that it is the intent of the Menard County Water Control and Improvement District #1 to amend current statute to include Chapter 52 of the Texas Water Code granting authority to the Menard County Water Control and Improvement District #1 to regulate underground water.

The purpose of this legislation is to enable the Menard County Water Control and Improvement District #1 to preserve, protect, and conserve the underground water of Menard County.

The proposed underground water district's boundaries will be contiguous with the boundaries of Menard County save and except the area presently under jurisdiction of the Hickory Underground Water Conservation District #1 in Menard County. Issued by Menard County Water Control & Improvement District #1 Board of Directors 2uc 18

Bid Notice

Bids are now being accepted for sale of

| Legal Notice | 12.73 | 22
| 15 acr | 18-19 | 52 acm
| 118 aci | 270 aci | 1,238
| 2,500 sl | RANC | 198 aci
| and | 211 acr | $30
| 610 acr | 647 acr | 962 acr
| 2,000 acr | 200 acr | 1,270 ac
| 1,450 ac | 2,000 to | HOUS
| 2 lots w | Large to | 2 1/2 lot
| Nice 3B |
The Texas House of Representatives

May 6, 1991

The Honorable Ron Lewis
Chairman, Natural Resources Committee
Reagan 214

Re: Author’s Fiscal Statement. SB1465 (relating to the creation, administration, powers, duties, operation and financing of the Menard County Underground Water District.

Sir:

In response to your request for an Author’s Fiscal Statement on SB1465, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.

   The Board of Directors consists of five elected directors who serve without compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the District.

2. COST OF MENARD COUNTY GOVERNMENT: funded through interest income.

   A. Maintenance and operating expenses of the district.

   B. The district may not levy any tax without the approval of the qualified voters of the district.

3. FISCAL YEAR PROJECTIONS:

   1991.....no cost is anticipated
   1992.....no cost is anticipated
   1993.....no cost is anticipated
   1994.....no cost is anticipated
   1995.....no cost is anticipated

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

Sincerely,

Harvey Hilderbrand

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason, Menard, Real, Schleicher, Sutton and Uvalde Counties
3/4cert

President of the Senate  Speaker of the House

I hereby certify that S.B. No. 1465 passed the Senate on
April 26, 1991, by the following vote: Yeas 31,  
Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1465 passed the House on
May 19, 1991, by the following vote: Yeas 133,  
Nays 0.  5 two present not voting

Chief Clerk of the House

Approved:

Date

Governor
A BILL TO BE ENTITLED

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

Filed with the Secretary of the Senate
Read and referred to Committee on ___NATURAL RESOURCES___
Reported favorably
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
Laid before the Senate
Senate and Constitutional Rules to permit consideration suspended by: ___unanimous consent
_____ years, _____ nays

Read second time, ____________, and ordered engrossed by: ___unanimous consent
_____ years, _____ nays

Caption ordered amended to conform to the body of the bill.
Senate and Constitutional 3 Day Rule suspended by a vote of ___31___ years, ___0___ nays.

Read third time, ____________, and passed by: ___unanimous consent
_____ years, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed
Sent to House

Engrossing Clerk ___Patsy Lee___

Received from the Senate
Read first time and referred to Committee on ___NATURAL RESOURCES___
Reported favorably amended, sent to Printer at 5:30p MAY 07 1991
Printed and Distributed 8:54
Sent to Committee on Calendars

Read Second time (amended): passed to third reading (passed)
by ___Non-Record Vote___ Record Vote ___present not voting___
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ years, _____ nays _____ present not voting.

Read third time (amended): finally passed (failed) by a ___Non-record Vote___ Record Vote of
_____ years, _____ nays, _____ present not voting.

Caption ordered amended to conform to body of bill.
Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with _______ amendments.

Concurred in House amendments by a viva voce vote _____ years, _____ nays.
Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

Senate conferees instructed.

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

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

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

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

\{ a viva voce vote \\
\quad _____ yeas, _____ nays \\
\}

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

\{ a viva voce vote \\
\quad _____ yeas, _____ nays \\
\}

OTHER ACTION:

Recommitted to Conference Committee

Conferences discharged.

Conference Committee Report failed of adoption by: __________________________

\{ a viva voce vote \\
\quad _____ yeas, _____ nays \\
\}