

**CHAPTER 377**

**H.B. No. 1161**

An Act relating to the creation, administration, powers, duties, operations, and financing of the Sutton County Underground Water Conservation District.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1. CREATION OF DISTRICT.** Pursuant to Article XVI, Section 59, of the Texas Constitution, and subject to approval at a confirmation election called and held under this Act, the Sutton County Underground Water Conservation District is created as a governmental agency and body politic and corporate.

**SECTION 2. GENERAL AUTHORITY.** Except as otherwise provided by this Act, the district may exercise the powers essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution and may exercise the rights, powers, and functions provided by this Act and Chapters 51 and 52, Water Code.

**SECTION 3. DEFINITION.** In this Act, "district" means the Sutton County Underground Water Conservation District.

**SECTION 4. LEGISLATIVE FINDINGS.** The legislature finds that:

- (1) the organization of the district is feasible and practicable;
- (2) the land to be included in and the residents of the district will be benefited by the creation of the district;
- (3) there is a public necessity for the district; and
- (4) the creation of the district will further the public welfare.

**SECTION 5. DISTRICT BOUNDARIES.** The district is composed of all of the territory located within Sutton County, Texas, except Sections 60, 67, and 90, Block No. A, HE&WTRyCoSurvey, Sutton County, Texas.

**SECTION 6. PURPOSE OF THE DISTRICT.** The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Water Code.

**SECTION 7. POWERS AND DUTIES OF DISTRICT.** (a) The board of directors may adopt rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs in the district and may enforce those rules by injunction or other appropriate remedies in a court of competent jurisdiction.

(b) The board of directors may require permits for the drilling, equipping, and completion of wells in any underground water reservoir in the district and may issue permits subject to terms relating to the drilling, equipping, and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water.

(c) The board of directors may provide for spacing wells that are producing water from an underground water reservoir in the district and may regulate the production from those wells to minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure. The owner of the land or his heirs, assigns, and lessees may not be denied a permit to drill a well on his land and the right to produce underground water from that well subject to rules adopted under this Act.

(d) The board of directors may require records to be kept and reports to be made of the drilling, equipping, and completion of wells in any underground water reservoir in the district and of the production and use of underground water from any reservoir in the district. Also, the board may require accurate driller's logs to be kept of those wells and may require a copy of those logs and of any electric logs that are made of the wells to be filed with the district.

(e) The board of directors may acquire land:

- (1) for the erection of dams;
- (2) to drain lakes, draws, depressions, and creeks, and construct dams; and
- (3) to install pumps and other equipment necessary to recharge an underground water reservoir in the district.

(f) The board of directors may have registered professional engineers make surveys of the underground water of any underground water reservoir in the district and of the facilities for the development, production, and use of underground water from any reservoir in the district. The board of directors shall determine the quantity of the underground water available for production and use and the improvements, developments, and recharges that will be necessary for those underground water reservoirs.

(g) The district shall develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir in the district and for the control and prevention of waste of that underground water. The plans shall specify in the amount of detail that may be practicable the activities and procedures that are necessary to carry out those plans.

(h) The district may carry out research projects, develop information, and determine limitations, if any, that should be placed on the withdrawal of underground water.

(i) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of an underground water reservoir in the district.

(j) The district may publish plans and information, publicize the plans and information to the users of the underground water within the district, and encourage adoption and execution of the plans and other measures included in the information.

(k) The district may contract for, sell, and distribute water from a water import authority or other agency.

**SECTION 8. ADMINISTRATIVE PROCEDURES.** Except as otherwise provided by this Act, the administrative and procedural provisions of Chapters 51 and 52, Water Code, apply to the district.

**SECTION 9. INITIAL DIRECTORS.** (a) The members of the initial board of directors are:

- (1) James T. Hunt
- (2) Norman Rousselot
- (3) Joe David Ross
- (4) Albert C. Elliott
- (5) Mark F. Shurley.

(b) The initial members of the board shall take office on the effective date of this Act and shall serve until their successors have been elected and have qualified.

**SECTION 10. CONFIRMATION ELECTION.** (a) Before the district is officially created the initial board of directors must call and hold a confirmation election to confirm the creation of the district. A majority of the qualified voters must vote favorably for the proposition to confirm the district.

(b) At the confirmation election, the initial board of directors shall submit the following propositions:

- (1) whether the establishment of the district is confirmed;
  - (2) the question of levying and collecting a property tax in the district; and
  - (3) any other propositions required by this Act.
- (c) At the election, the first permanent board of directors shall be elected.
- (d) Only qualified voters who reside in the district may vote in the election.

(e) Notice of the election shall be published at least two times in a newspaper with general circulation in the district, the first publication to be at least 30 days, and the second publication to be at least 10 days, before the date of the election.

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

**SECTION 11. EXCLUSION OF LAND.** Land may be excluded within the district in accordance with the procedures prescribed in Sections 51.691-51.701 in Chapter 51, Water Code.

**SECTION 12. TAX AND BOND PROVISIONS.** (a) Except as otherwise provided in this Act, the tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

(b) On approval of a majority of the qualified voters at the confirmation election or a subsequent election called for that purpose, the district may levy and collect taxes to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each \$100 of assessed valuation.

(c) At a regular meeting of the board of directors, if the board determines that the tax levied and collected under Subsection (b) of this section is no longer sufficient for the purposes stated in that subsection, the board may call and hold an election to approve the levy and collection of property taxes in excess of the limitation provided by Subsection (b) of this section. If a majority of the qualified voters approve the levy and collection of taxes in excess of the limitation provided by Subsection (b) of this section, the district may levy and collect taxes in the amount approved by the voters at the election called and held under this subsection.

**SECTION 13. DISSOLUTION OF THE DISTRICT.** The district may be dissolved as provided by Chapter 52, Water Code.

**SECTION 14. ANNEXATION.** (a) Additional territory may be added to the district as provided by Chapter 51, Water Code.

(b) The board of directors shall determine to which director's precinct the annexed land will be added for purposes of election of directors.

**SECTION 15. DIRECTORS.** (a) The district is governed by a board of directors composed of five directors.

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

(c) One director shall be elected from each county commissioners precinct in Sutton County and one director shall be elected at large.

(d) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which he is elected.

(e) The three directors receiving the highest number of votes at the confirmation election shall serve as directors until the three persons elected at the second regular election of directors have qualified, and the other two directors shall serve until the two persons elected at the first regular election of directors have qualified. After the second election of directors, an election shall be held each year with two directors elected one year and three the next year in continuing sequence.

**SECTION 16. ELECTIONS.** Elections held under this Act shall be conducted as provided by Chapter 51, Water Code, and the Texas Election Code.

**SECTION 17. STATUTORY INTERPRETATION.** If there is a conflict between this Act and Chapter 51 or 52, Water Code, this Act controls. If there is a conflict between Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls.

**SECTION 18. 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.

Passed by the House on March 28, 1985, by the following vote: Yeas 135, Nays 0, 2 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 1161 was transmitted to the Governor on February 25, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on March 22, 1985; passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Approved: June 10, 1985

Effective: Immediately