

CHAPTER 1027

H.B. No. 2820

AN ACT

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

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

SECTION 1. CREATION. (a) A conservation and reclamation district, to be known as the Rolling Plains Underground Water Conservation District, is created in Borden, Mitchell, and Scurry counties, 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 Rolling Plains Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with Borden, Mitchell, and Scurry counties.

SECTION 4. FINDING OF BENEFIT. (a) 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.

(b) The district is created to serve a public use and benefit by providing for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located in the district.

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 through 52, Water Code, and their subsequent amendments, 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 six directors, with two directors elected from each county.

(b) Three initial directors serve until the permanent directors are elected under Section 8.

(c) The directors shall elect a presiding officer from among the directors. The presiding officer may vote only to break a tie vote of the other members of the board.

(d) Each initial or permanent director must qualify to serve as director in the manner provided by Section 54.025 or 54.116, and Section 54.102, Water Code, and their subsequent amendments, as appropriate.

(e) To qualify for election as a director from a county a person must own land subject to taxation in the county from which the person is elected.

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

SECTION 7. INITIAL DIRECTORS. (a) The initial board of directors is composed of:

- (1) Max Drum;
- (2) Brent Murphy; and
- (3) David Stubblefield.

(b) If an initial director fails to qualify for office, the initial directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than two 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 PERMANENT DIRECTORS’ ELECTION. (a) Not later than one year after the effective date of this Act, the initial board of directors shall call an election to confirm establishment of the district and the district’s taxing authority, to elect six permanent directors as provided by Chapter 51, Water Code, and its subsequent amendments, and to submit any other propositions required by the initial board of directors. The election shall be held not less than 60 days and not more than 90 days after the election is called.

(b) Section 41.001(a), Election Code, and its subsequent amendments, does not apply to a confirmation election held as provided by this section.

(c) Only qualified voters who reside in the district may vote in the election.

(d) Notice of the election shall be published at least twice in a newspaper of general circulation in the district, not less than 30 days and not less than 10 days respectively, before the date of the election.

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

SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is confirmed, an election shall be held in the district for the election of one director from each county who shall serve a two-year term and one director from each county who shall serve a four-year term. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Directors shall serve staggered four-year terms.

SECTION 10. ADDITIONAL POWERS AND DUTIES OF DISTRICT. (a) The district, through its board of directors, by rule may provide for conservation, preservation, protection, recharge, and prevention of waste of water from underground water reservoirs. The district may enforce the rules by an injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction.

(b) The district may require permits for drilling, equipping, and completion of wells in the underground water reservoirs and issue permits subject to terms and provisions with reference to the drilling, equipping, and completion of the wells as may be necessary to prevent waste or conserve, preserve, and protect underground water.

(c) The district by rule may provide for the spacing of wells producing from the underground water reservoirs and 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. However, the owner of the land and the owner's heirs, assigns, and lessees may not be denied a permit to drill a well on their land or the right to produce underground water from that well subject to rules adopted under this Act.

(d) The district may require records to be kept and a report to be made of the drilling, equipping, and completion of a well into an underground water reservoir and the taking and use of underground water from the reservoir. The district may require accurate driller's logs to be kept of those wells and require that a copy of those logs and of any electric logs made of the wells be filed with the district.

(e) The district may have a survey made by a registered professional engineer of the underground water of any underground water reservoir or of the facilities for the development, production, and use of that underground water so that the district may determine the quantity of the underground water available for production and use and the improvements, developments, and recharges needed for the underground water reservoir.

(f) The district may develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir and for the control and prevention of waste of that underground water. The plans may be as detailed as practicable in specifying the acts, procedure, performance, and avoidance necessary to effect those plans.

(g) The district may conduct research projects, develop information, and determine any limitations that should be made on the withdrawal of underground water from an underground water reservoir.

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

(i) The district may publish plans and information, bring them to the attention of underground water users in the district, and encourage their adoption and execution.

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

(k) Additional territory may be added to the district.

SECTION 11. TAX AND BOND PROVISIONS. (a) The bond provisions of Chapter 52, Water Code, and its subsequent amendments, apply to the district.

(b) The district may not levy or collect taxes on property in the district at a rate greater than five cents on the \$100 assessed valuation. The district may use tax revenues only to pay for the maintenance and operation of the district.

SECTION 12. DISSOLUTION OF DISTRICT. Chapter 52, Water Code, and its subsequent amendments, applies to dissolution of the district.

SECTION 13. FINDINGS RELATED 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 14. 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 May 7, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 2820 on May 26, 1993: Yeas 125, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 24, 1993: Yeas 31, Nays 0.

Approved June 19, 1993.

Effective June 19, 1993.