

By: Campbell

H.B. No. 3556

A BILL TO BE ENTITLED

AN ACT

relating to management of and certain actions and proceedings of the Sterling County Underground Water Conservation District.

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

SECTION 1. Section 4, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 4. BOUNDARIES. The district is composed of all the territory located within Sterling County and any additional territory annexed to or consolidated with the district.

SECTION 2. Section 8, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended by adding Subsection (c) to read as follows:

(c) In the event of annexation of territory or consolidation with another district, the board of directors of the district shall determine the composition of the board in a manner that is equitable for the residents of the district as provided by Chapter 36, Water Code.

SECTION 3. Section 9(b), Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

(b) In addition to the requirements of Subsection (a) of this section, a person who is a director from a county commissioner precinct must be a resident of that precinct unless the composition of the board is changed by annexation or consolidation.

SECTION 4. Section 10, Chapter 915, Acts of the 70th

Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 10. ELECTION OF DIRECTORS. Beginning in the year following the creation election, an election shall be held on the uniform election day [~~third Saturday~~] in May every two years to elect the appropriate number of directors to the board.

SECTION 5. Section 11, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 11. TERM OF OFFICE. Except for the initial directors of the district, directors shall serve for staggered four-year terms [~~with two and three terms expiring every second year~~].

SECTION 6. Section 18(a), Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

(a) The board may [~~shall~~] appoint persons to serve as treasurer and attorney for the district.

SECTION 7. Section 23, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 23. MEETINGS OF BOARD. The board shall hold regular meetings at the district's office [~~at least once each month~~] on a date established by [~~rule of~~] the board.

SECTION 8. Section 25, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 25. CONTRACTS. The board may enter into contracts as provided by Chapter 36 [~~51~~], Water Code, and those contracts shall be executed by the board in the name of the district.

SECTION 9. Section 28, Chapter 915, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

Sec. 28. NAME CHANGE [~~SEAL~~]. The board may change the name of

1 ~~[shall adopt a seal for]~~ the district if additional territory is  
2 annexed to or consolidated with the district.

3 SECTION 10. Section 29, Chapter 915, Acts of the 70th  
4 Legislature, Regular Session, 1987, is amended to read as follows:

5 Sec. 29. PURPOSE OF DISTRICT. The district is created to  
6 provide for the conservation, preservation, protection, recharge,  
7 and prevention of waste and pollution of the groundwater  
8 ~~[underground]~~ and surface water of the district consistent with the  
9 objectives of Article XVI, Section 59, of the Texas Constitution,  
10 and Chapter 36 and Subchapters H and I, Chapter 49 ~~[Chapters 51 and~~  
11 ~~52]~~, Water Code.

12 SECTION 11. Section 30(b), Chapter 915, Acts of the 70th  
13 Legislature, Regular Session, 1987, is amended to read as follows:

14 (b) In addition to the rules adopted under Subsection (a) of  
15 this section, the board may adopt and enforce rules as provided by  
16 Chapter 36 and Subchapters H and I, Chapter 49 ~~[Sections~~  
17 ~~51.127-51.132]~~, Water Code.

18 SECTION 12. Section 31, Chapter 915, Acts of the 70th  
19 Legislature, Regular Session, 1987, is amended to read as follows:

20 Sec. 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.  
21 (a) Except to the extent of any conflict with this Act or as  
22 specifically limited by this Act, the district may exercise the  
23 powers granted and shall exercise the duties under ~~[Subchapters E,~~  
24 ~~O, and P,]~~ Chapter 36 ~~[51]~~, Water Code, ~~[and Subchapter E, Chapter~~  
25 ~~52, Water Code,]~~ to carry out the purpose of the district and this  
26 Act.

27 (b) If there is a conflict between this Act and Chapter 36,

1 Water Code, this Act controls.

2 SECTION 13. Section 32, Chapter 915, Acts of the 70th  
3 Legislature, Regular Session, 1987, is amended to read as follows:

4 Sec. 32. LIMITATION ON PERMIT AUTHORITY. If the district  
5 regulates production of groundwater [~~underground water~~] by permit  
6 as authorized by Chapter 36 [~~52~~], Water Code, the board may not deny  
7 a permit to drill a well to the owner of land, his heirs, assigns,  
8 and lessees on his land and the right to produce water from that  
9 well under rules adopted by the district.

10 SECTION 14. Section 33, Chapter 915, Acts of the 70th  
11 Legislature, Regular Session, 1987, is amended to read as follows:

12 Sec. 33. STUDIES AND SURVEYS. The board may [~~shall~~] have  
13 professional engineers make studies and surveys of the groundwater  
14 [~~underground~~] and surface water supplies within the district and  
15 the facilities available for use in the conservation, preservation,  
16 protection, recharge, and prevention of waste and pollution of  
17 those water resources. The professional engineers also may [~~shall~~]  
18 determine the quantities of both groundwater [~~underground~~] and  
19 surface water in the district.

20 SECTION 15. Section 34, Chapter 915, Acts of the 70th  
21 Legislature, Regular Session, 1987, is amended to read as follows:

22 Sec. 34. PLANS AND SPECIFICATIONS. The district shall  
23 develop and implement comprehensive plans for the conservation,  
24 preservation, protection, recharge, and prevention of waste and  
25 pollution of groundwater [~~underground~~] and surface water within the  
26 district. The plans shall include all works, facilities, and  
27 improvements necessary to implement the plans and the

1 specifications for those works, facilities, and improvements.

2 SECTION 16. Section 35, Chapter 915, Acts of the 70th  
3 Legislature, Regular Session, 1987, is amended to read as follows:

4 Sec. 35. RESEARCH; INFORMATION. The district may [~~shall~~]  
5 engage in research projects and shall develop information to be  
6 used by the district in preparing and implementing its plans and in  
7 carrying out its powers and duties under this Act.

8 SECTION 17. Section 39(b), Chapter 915, Acts of the 70th  
9 Legislature, Regular Session, 1987, is amended to read as follows:

10 (b) The district shall construct and acquire works,  
11 facilities, and improvements in the manner provided by Chapter 49  
12 [~~51~~], Water Code [~~, for water control and improvement districts~~].

13 SECTION 18. Section 43, Chapter 915, Acts of the 70th  
14 Legislature, Regular Session, 1987, is amended to read as follows:

15 Sec. 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act  
16 and Chapter 36 and Subchapters H and I, Chapter 49 [~~Chapters 51 and~~  
17 ~~52~~], Water Code, the district may sell or otherwise dispose of land  
18 and other property of the district that is not necessary to carry  
19 out the purpose or powers of the district as determined by the board  
20 of directors.

21 SECTION 19. Section 45, Chapter 915, Acts of the 70th  
22 Legislature, Regular Session, 1987, is amended to read as follows:

23 Sec. 45. PROTECTION OF WATER RIGHTS. The ownership and  
24 rights of the owner of land, his lessees, and assigns, in  
25 groundwater [~~underground~~] and any surface water rights are  
26 recognized and this Act does not deprive or divest the owner, his  
27 lessees, and assigns of those ownership rights.

1           SECTION 20. Section 46, Chapter 915, Acts of the 70th  
2       Legislature, Regular Session, 1987, is amended to read as follows:

3           Sec. 46. GENERAL FISCAL DUTIES AND AUTHORITY. The district  
4       may exercise the powers and shall exercise the duties provided by  
5       ~~[Subchapter F,]~~ Chapter 36 ~~[52]~~, Water Code.

6           SECTION 21. Section 48, Chapter 915, Acts of the 70th  
7       Legislature, Regular Session, 1987, is amended to read as follows:

8           Sec. 48. BOND AND NOTE AND TAX AUTHORITY. The district may  
9       issue and sell bonds and notes and may levy and collect taxes as  
10      provided by ~~[Subchapters C and H,]~~ Chapter 36 ~~[52]~~, Water Code.

11          SECTION 22. (a) The following actions of the Sterling  
12      County Underground Water Conservation District are validated and  
13      confirmed as if the actions had been done as authorized by law:

14               (1) all acts and governmental proceedings of the  
15      district before the effective date of this Act;

16               (2) the election or appointment of directors or other  
17      officials of the district who took office before the effective date  
18      of this Act; and

19               (3) any bond or other obligation of a district  
20      authorized before the effective date of this Act, including any  
21      proceeding taken before the effective date of this Act that is  
22      related to that bond or other obligation, regardless of whether the  
23      bond or obligation is:

24                       (A) payable from tax revenue or otherwise; or

25                       (B) issued on or before the effective date of  
26      this Act.

27          (b) This Act does not apply to:

1           (1) an act or proceeding that was void at the time it  
2 occurred;

3           (2) an act or proceeding that, under a statute of this  
4 state or the United States, was a misdemeanor or felony at the time  
5 the act or proceeding occurred;

6           (3) a rule that, at the time it was passed, was  
7 preempted by a statute of this state or the United States; or

8           (4) a matter that on the effective date of this Act:

9               (A) is involved in litigation if the litigation  
10 ultimately results in the matter being held invalid by a final  
11 judgment of a court; or

12               (B) has been held invalid by a final judgment of a  
13 court.

14       SECTION 23. This Act takes effect immediately if it  
15 receives a vote of two-thirds of all the members elected to each  
16 house, as provided by Section 39, Article III, Texas Constitution.  
17 If this Act does not receive the vote necessary for immediate  
18 effect, this Act takes effect September 1, 2003.