

1-1 By: Campbell (Senate Sponsor - Duncan) H.B. No. 3556
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 19, 2003, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to management of and certain actions and proceedings of
1-9 the Sterling County Underground Water Conservation District.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 4, Chapter 915, Acts of the 70th
1-12 Legislature, Regular Session, 1987, is amended to read as follows:

1-13 Sec. 4. BOUNDARIES. The district is composed of all the
1-14 territory located within Sterling County and any additional
1-15 territory annexed to or consolidated with the district.

1-16 SECTION 2. Section 8, Chapter 915, Acts of the 70th
1-17 Legislature, Regular Session, 1987, is amended by adding Subsection
1-18 (c) to read as follows:

1-19 (c) In the event of annexation of territory or consolidation
1-20 with another district, the board of directors of the district shall
1-21 determine the composition of the board in a manner that is equitable
1-22 for the residents of the district as provided by Chapter 36, Water
1-23 Code.

1-24 SECTION 3. Section 9(b), Chapter 915, Acts of the 70th
1-25 Legislature, Regular Session, 1987, is amended to read as follows:

1-26 (b) In addition to the requirements of Subsection (a) of
1-27 this section, a person who is a director from a county commissioner
1-28 precinct must be a resident of that precinct unless the composition
1-29 of the board is changed by annexation or consolidation.

1-30 SECTION 4. Section 10, Chapter 915, Acts of the 70th
1-31 Legislature, Regular Session, 1987, is amended to read as follows:

1-32 Sec. 10. ELECTION OF DIRECTORS. Beginning in the year
1-33 following the creation election, an election shall be held on the
1-34 uniform election day [~~third Saturday~~] in May every two years to
1-35 elect the appropriate number of directors to the board.

1-36 SECTION 5. Section 11, Chapter 915, Acts of the 70th
1-37 Legislature, Regular Session, 1987, is amended to read as follows:

1-38 Sec. 11. TERM OF OFFICE. Except for the initial directors
1-39 of the district, directors shall serve for staggered four-year
1-40 terms [~~with two and three terms expiring every second year~~].

1-41 SECTION 6. Section 18(a), Chapter 915, Acts of the 70th
1-42 Legislature, Regular Session, 1987, is amended to read as follows:

1-43 (a) The board may [~~shall~~] appoint persons to serve as
1-44 treasurer and attorney for the district.

1-45 SECTION 7. Section 23, Chapter 915, Acts of the 70th
1-46 Legislature, Regular Session, 1987, is amended to read as follows:

1-47 Sec. 23. MEETINGS OF BOARD. The board shall hold regular
1-48 meetings at the district's office [~~at least once each month~~] on a
1-49 date established by [~~rule of~~] the board.

1-50 SECTION 8. Section 25, Chapter 915, Acts of the 70th
1-51 Legislature, Regular Session, 1987, is amended to read as follows:

1-52 Sec. 25. CONTRACTS. The board may enter into contracts as
1-53 provided by Chapter 36 [~~51~~], Water Code, and those contracts shall
1-54 be executed by the board in the name of the district.

1-55 SECTION 9. Section 28, Chapter 915, Acts of the 70th
1-56 Legislature, Regular Session, 1987, is amended to read as follows:

1-57 Sec. 28. NAME CHANGE [~~SEAL~~]. The board may change the name of
1-58 [~~shall adopt a seal for~~] the district if additional territory is
1-59 annexed to or consolidated with the district.

1-60 SECTION 10. Section 29, Chapter 915, Acts of the 70th
1-61 Legislature, Regular Session, 1987, is amended to read as follows:

1-62 Sec. 29. PURPOSE OF DISTRICT. The district is created to
1-63 provide for the conservation, preservation, protection, recharge,
1-64 and prevention of waste and pollution of the groundwater

2-1 [~~underground~~] and surface water of the district consistent with the
 2-2 objectives of Article XVI, Section 59, of the Texas Constitution,
 2-3 and Chapter 36 and Subchapters H and I, Chapter 49 [~~Chapters 51 and~~
 2-4 ~~52~~], Water Code.

2-5 SECTION 11. Section 30(b), Chapter 915, Acts of the 70th
 2-6 Legislature, Regular Session, 1987, is amended to read as follows:

2-7 (b) In addition to the rules adopted under Subsection (a) of
 2-8 this section, the board may adopt and enforce rules as provided by
 2-9 Chapter 36 and Subchapters H and I, Chapter 49 [~~Sections~~
 2-10 ~~51.127-51.132~~], Water Code.

2-11 SECTION 12. Section 31, Chapter 915, Acts of the 70th
 2-12 Legislature, Regular Session, 1987, is amended to read as follows:

2-13 Sec. 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.
 2-14 (a) Except to the extent of any conflict with this Act or as
 2-15 specifically limited by this Act, the district may exercise the
 2-16 powers granted and shall exercise the duties under [~~Subchapters E,~~
 2-17 ~~O, and P,~~] Chapter 36 [~~51~~], Water Code, [~~and Subchapter E, Chapter~~
 2-18 ~~52, Water Code,~~] to carry out the purpose of the district and this
 2-19 Act.

2-20 (b) If there is a conflict between this Act and Chapter 36,
 2-21 Water Code, this Act controls.

2-22 SECTION 13. Section 32, Chapter 915, Acts of the 70th
 2-23 Legislature, Regular Session, 1987, is amended to read as follows:

2-24 Sec. 32. LIMITATION ON PERMIT AUTHORITY. If the district
 2-25 regulates production of groundwater [~~underground water~~] by permit
 2-26 as authorized by Chapter 36 [~~52~~], Water Code, the board may not deny
 2-27 a permit to drill a well to the owner of land, his heirs, assigns,
 2-28 and lessees on his land and the right to produce water from that
 2-29 well under rules adopted by the district.

2-30 SECTION 14. Section 33, Chapter 915, Acts of the 70th
 2-31 Legislature, Regular Session, 1987, is amended to read as follows:

2-32 Sec. 33. STUDIES AND SURVEYS. The board may [~~shall~~] have
 2-33 professional engineers make studies and surveys of the groundwater
 2-34 [~~underground~~] and surface water supplies within the district and
 2-35 the facilities available for use in the conservation, preservation,
 2-36 protection, recharge, and prevention of waste and pollution of
 2-37 those water resources. The professional engineers also may [~~shall~~]
 2-38 determine the quantities of both groundwater [~~underground~~] and
 2-39 surface water in the district.

2-40 SECTION 15. Section 34, Chapter 915, Acts of the 70th
 2-41 Legislature, Regular Session, 1987, is amended to read as follows:

2-42 Sec. 34. PLANS AND SPECIFICATIONS. The district shall
 2-43 develop and implement comprehensive plans for the conservation,
 2-44 preservation, protection, recharge, and prevention of waste and
 2-45 pollution of groundwater [~~underground~~] and surface water within the
 2-46 district. The plans shall include all works, facilities, and
 2-47 improvements necessary to implement the plans and the
 2-48 specifications for those works, facilities, and improvements.

2-49 SECTION 16. Section 35, Chapter 915, Acts of the 70th
 2-50 Legislature, Regular Session, 1987, is amended to read as follows:

2-51 Sec. 35. RESEARCH; INFORMATION. The district may [~~shall~~]
 2-52 engage in research projects and shall develop information to be
 2-53 used by the district in preparing and implementing its plans and in
 2-54 carrying out its powers and duties under this Act.

2-55 SECTION 17. Section 39(b), Chapter 915, Acts of the 70th
 2-56 Legislature, Regular Session, 1987, is amended to read as follows:

2-57 (b) The district shall construct and acquire works,
 2-58 facilities, and improvements in the manner provided by Chapter 49
 2-59 [~~51~~], Water Code [~~, for water control and improvement districts~~].

2-60 SECTION 18. Section 43, Chapter 915, Acts of the 70th
 2-61 Legislature, Regular Session, 1987, is amended to read as follows:

2-62 Sec. 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act
 2-63 and Chapter 36 and Subchapters H and I, Chapter 49 [~~Chapters 51 and~~
 2-64 ~~52~~], Water Code, the district may sell or otherwise dispose of land
 2-65 and other property of the district that is not necessary to carry
 2-66 out the purpose or powers of the district as determined by the board
 2-67 of directors.

2-68 SECTION 19. Section 45, Chapter 915, Acts of the 70th
 2-69 Legislature, Regular Session, 1987, is amended to read as follows:

3-1 Sec. 45. PROTECTION OF WATER RIGHTS. The ownership and
3-2 rights of the owner of land, his lessees, and assigns, in
3-3 groundwater [~~underground~~] and any surface water rights are
3-4 recognized and this Act does not deprive or divest the owner, his
3-5 lessees, and assigns of those ownership rights.

3-6 SECTION 20. Section 46, Chapter 915, Acts of the 70th
3-7 Legislature, Regular Session, 1987, is amended to read as follows:

3-8 Sec. 46. GENERAL FISCAL DUTIES AND AUTHORITY. The district
3-9 may exercise the powers and shall exercise the duties provided by
3-10 [~~Subchapter F,~~] Chapter 36 [~~52~~], Water Code.

3-11 SECTION 21. Section 48, Chapter 915, Acts of the 70th
3-12 Legislature, Regular Session, 1987, is amended to read as follows:

3-13 Sec. 48. BOND AND NOTE AND TAX AUTHORITY. The district may
3-14 issue and sell bonds and notes and may levy and collect taxes as
3-15 provided by [~~Subchapters C and H,~~] Chapter 36 [~~52~~], Water Code.

3-16 SECTION 22. (a) The following actions of the Sterling
3-17 County Underground Water Conservation District are validated and
3-18 confirmed as if the actions had been done as authorized by law:

3-19 (1) all acts and governmental proceedings of the
3-20 district before the effective date of this Act;

3-21 (2) the election or appointment of directors or other
3-22 officials of the district who took office before the effective date
3-23 of this Act; and

3-24 (3) any bond or other obligation of a district
3-25 authorized before the effective date of this Act, including any
3-26 proceeding taken before the effective date of this Act that is
3-27 related to that bond or other obligation, regardless of whether the
3-28 bond or obligation is:

3-29 (A) payable from tax revenue or otherwise; or

3-30 (B) issued on or before the effective date of
3-31 this Act.

3-32 (b) This Act does not apply to:

3-33 (1) an act or proceeding that was void at the time it
3-34 occurred;

3-35 (2) an act or proceeding that, under a statute of this
3-36 state or the United States, was a misdemeanor or felony at the time
3-37 the act or proceeding occurred;

3-38 (3) a rule that, at the time it was passed, was
3-39 preempted by a statute of this state or the United States; or

3-40 (4) a matter that on the effective date of this Act:

3-41 (A) is involved in litigation if the litigation
3-42 ultimately results in the matter being held invalid by a final
3-43 judgment of a court; or

3-44 (B) has been held invalid by a final judgment of a
3-45 court.

3-46 SECTION 23. This Act takes effect immediately if it
3-47 receives a vote of two-thirds of all the members elected to each
3-48 house, as provided by Section 39, Article III, Texas Constitution.
3-49 If this Act does not receive the vote necessary for immediate
3-50 effect, this Act takes effect September 1, 2003.

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