

1-1 By: Chisum (Senate Sponsor - Duncan) H.B. No. 3995
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 19, 2007, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 19, 2007, sent to printer.)

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

1-8 relating to the name, administration, powers, and duties of the
1-9 Collingsworth County Underground Water Conservation District.

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

1-11 SECTION 1. Chapter 376, Acts of the 69th Legislature,
1-12 Regular Session, 1985, is amended by amending Sections 1, 3, 4, 5,
1-13 and 6 and by adding Section 4A to read as follows:

1-14 Sec. 1. CREATION OF DISTRICT. Under Article XVI, Section
1-15 59, of the Texas Constitution the Collingsworth County Underground
1-16 Water Conservation District is [~~created as~~] a governmental agency
1-17 and body politic and corporate, authorized to exercise the powers
1-18 essential to the accomplishment of the purposes of that
1-19 constitutional provision and to exercise the rights, powers,
1-20 duties, privileges, and functions provided by this Act and by
1-21 Chapter 36 [~~Chapters 51 and 52~~], Water Code, and by other laws of
1-22 this state relating to underground water conservation districts.

1-23 Sec. 3. BOUNDARY OF DISTRICT. The district includes all of
1-24 the territory located in Collingsworth County and any territory
1-25 annexed by the district.

1-26 Sec. 4. PURPOSE OF DISTRICT. The district is created to
1-27 provide for the conservation, preservation, protection, recharge,
1-28 and prevention of waste of the underground water reservoirs located
1-29 under district land consistent with the objectives of Article XVI,
1-30 Section 59, of the Texas Constitution and Chapter 36 [~~Chapters 51~~
1-31 ~~and 52~~], Water Code.

1-32 Sec. 4A. DISTRICT NAME CHANGE. The board by resolution may
1-33 change the district's name.

1-34 Sec. 5. POWERS AND DUTIES OF DISTRICT. The district may
1-35 exercise the powers, rights, privileges, and functions permitted by
1-36 Chapter 36 [~~Chapters 51 and 52~~], Water Code, and may:

1-37 (1) make and enforce rules to provide for conserving,
1-38 preserving, protecting, recharging, and preventing waste of the
1-39 water from the underground water reservoirs;

1-40 (2) enforce its rules by injunction, mandatory
1-41 injunction, or other appropriate remedies in a court of competent
1-42 jurisdiction;

1-43 (3) require permits for the drilling, equipping, and
1-44 completion of wells in the underground water reservoirs in the
1-45 district and issue permits that include terms and provisions with
1-46 reference to the drilling, equipping, and completion of the wells
1-47 that are necessary to prevent waste or conserve, preserve, and
1-48 protect underground water;

1-49 (4) provide for the spacing of wells producing from
1-50 the underground water reservoirs in the district and regulate the
1-51 production from those wells to minimize as far as practicable the
1-52 drawdown of the water table or the reduction of the artesian
1-53 pressure, provided, the owner of the land, his heirs, assigns, and
1-54 lessees are not denied a permit to drill a well on their land and the
1-55 right to produce underground water from that well subject to rules
1-56 adopted under this Act;

1-57 (5) require records to be kept and reports to be made
1-58 of the drilling, equipping, and completion of wells into any
1-59 underground water reservoir in the district and the taking and use
1-60 of underground water from those reservoirs and require accurate
1-61 driller's logs to be kept of those wells and a copy of those logs and
1-62 of any electric logs that may be made of the wells to be filed with
1-63 the district;

1-64 (6) acquire land for the erection of dams and for the

2-1 purpose of draining lakes, draws, and depressions; construct dams,
 2-2 drain lakes, depressions, draws, and creeks; and install pumps and
 2-3 other equipment necessary to recharge any underground water
 2-4 reservoirs in the district;

2-5 (7) have made by registered professional engineers
 2-6 surveys of the underground water of any underground water reservoir
 2-7 in the district and of the facilities for the development,
 2-8 production, and use of that underground water and determine the
 2-9 quantity of the underground water available for production and use
 2-10 and the improvements, developments, and recharges needed for those
 2-11 underground water reservoirs;

2-12 (8) develop comprehensive plans for the most efficient
 2-13 use of the underground water of any underground water reservoir in
 2-14 the district and for the control and prevention of waste of that
 2-15 underground water, with the plans to specify in the amount of detail
 2-16 that may be practicable the acts, procedure, performance, and
 2-17 avoidance that are or may be necessary to carry out those plans,
 2-18 including specifications;

2-19 (9) carry out research projects, develop information,
 2-20 and determine limitations, if any, that should be made on the
 2-21 withdrawal of underground water from any underground water
 2-22 reservoir in the district;

2-23 (10) collect and preserve information regarding the
 2-24 use of the underground water and the practicability of recharge of
 2-25 any underground water reservoir in the district;

2-26 (11) publish plans and information, bring them to the
 2-27 notice and attention of the users of the underground water in the
 2-28 district, and encourage their adoption and execution; and

2-29 (12) contract for, sell, and distribute water from a
 2-30 water import authority or other agency.

2-31 Sec. 6. ADMINISTRATIVE PROCEDURES. Except as provided by
 2-32 this Act, the administrative and procedural provisions of Chapter
 2-33 36 [~~Chapters 51 and 52~~], Water Code, apply to the district.

2-34 SECTION 2. Section 7(a), Chapter 376, Acts of the 69th
 2-35 Legislature, Regular Session, 1985, is amended to read as follows:

2-36 (a) In addition to other requirements provided by law, the
 2-37 district shall file with the county treasurer of each county in
 2-38 whose jurisdiction the district is located [~~Collingsworth County~~]
 2-39 copies of all audits, orders of the board of directors, and other
 2-40 documents relating to district finances. The copies shall be filed
 2-41 within 60 days after the audits are completed, the orders are
 2-42 adopted, or the other documents are finalized.

2-43 SECTION 3. Section 12, Chapter 376, Acts of the 69th
 2-44 Legislature, Regular Session, 1985, is amended to read as follows:

2-45 Sec. 12. ANNEXATION; EFFECT ON BOARD OF DIRECTORS. (a)
 2-46 Additional territory may be added to the district as provided by
 2-47 Chapter 36 [~~49~~], Water Code. If the district annexes additional
 2-48 territory, the board of directors may add the annexed territory to
 2-49 one or more existing single-member districts for purposes of
 2-50 electing directors, may redraw the five single-member districts to
 2-51 include the annexed territory, or may add additional [~~a sixth~~]
 2-52 single-member districts [~~district~~] for the election of [~~an~~]
 2-53 additional directors [~~director~~].

2-54 (b) The district may not contain more than 11 single-member
 2-55 districts.

2-56 SECTION 4. Sections 8, 9, 11, and 14, Chapter 376, Acts of
 2-57 the 69th Legislature, Regular Session, 1985, are repealed.

2-58 SECTION 5. This Act takes effect immediately if it receives
 2-59 a vote of two-thirds of all the members elected to each house, as
 2-60 provided by Section 39, Article III, Texas Constitution. If this
 2-61 Act does not receive the vote necessary for immediate effect, this
 2-62 Act takes effect September 1, 2007.

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