

1-1 By: Heflin (Senate Sponsor - Duncan) H.B. No. 1923  
1-2 (In the Senate - Received from the House April 23, 2009;  
1-3 April 23, 2009, read first time and referred to Committee on Natural  
1-4 Resources; May 7, 2009, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 7, 2009, sent to printer.)

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

1-8 relating to the Irion County Water Conservation District.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 4, Chapter 65, Acts of the 69th  
1-11 Legislature, Regular Session, 1985, is amended to read as follows:

1-12 Sec. 4. BOUNDARIES. The district is composed of all the  
1-13 territory located within Irion County and any territory added  
1-14 through annexation or consolidation.

1-15 SECTION 2. Section 8, Chapter 65, Acts of the 69th  
1-16 Legislature, Regular Session, 1985, is amended by adding Subsection  
1-17 (c) to read as follows:

1-18 (c) If the district annexes territory or consolidates with  
1-19 another district, the composition of the board shall be determined  
1-20 in a manner that is:

1-21 (1) equitable for the residents of the district as  
1-22 provided by Chapter 36, Water Code; and

1-23 (2) otherwise in compliance with Subchapter K, Chapter  
1-24 36, Water Code.

1-25 SECTION 3. Section 9(b), Chapter 65, Acts of the 69th  
1-26 Legislature, Regular Session, 1985, is amended to read as follows:

1-27 (b) In addition to the requirements of Subsection (a) of  
1-28 this section, a person who is a director from a county commissioners  
1-29 precinct must be a resident of that precinct unless the composition  
1-30 of the board of directors changes under Section 8(c) of this Act.

1-31 SECTION 4. Sections 10, 11, 12, and 15, Chapter 65, Acts of  
1-32 the 69th Legislature, Regular Session, 1985, are amended to read as  
1-33 follows:

1-34 Sec. 10. ELECTION OF DIRECTORS. Beginning in the year  
1-35 following the creation election, an election shall be held on the  
1-36 uniform election date in May [~~first Saturday in April of each year~~]  
1-37 to elect the appropriate number of directors to the board.

1-38 Sec. 11. TERM OF OFFICE. Except for the initial directors  
1-39 of the district, directors shall serve for terms of four [~~two~~]  
1-40 years.

1-41 Sec. 12. BEGINNING OF DIRECTOR'S TERM. A director takes  
1-42 office at the first regular meeting of the board [~~in April~~]  
1-43 following election to the board.

1-44 Sec. 15. COMPENSATION. Each director is entitled to  
1-45 receive fees of office as provided by Chapter 36, Water Code, [~~for~~  
1-46 ~~his services not more than \$25 a day~~] for each day [~~actually~~]  
1-47 engaged in the director's duties for the district.

1-48 SECTION 5. Section 18(a), Chapter 65, Acts of the 69th  
1-49 Legislature, Regular Session, 1985, is amended to read as follows:

1-50 (a) The board may [~~shall~~] appoint persons to serve as  
1-51 treasurer and attorney for the district.

1-52 SECTION 6. Section 19(b), Chapter 65, Acts of the 69th  
1-53 Legislature, Regular Session, 1985, is amended to read as follows:

1-54 (b) The general manager may [~~shall~~] execute a bond in the  
1-55 amount determined by the board, payable to the district, and  
1-56 conditioned on the faithful performance of the general manager's  
1-57 duties. The district shall pay for the bond.

1-58 SECTION 7. Sections 23, 25, 28, and 29, Chapter 65, Acts of  
1-59 the 69th Legislature, Regular Session, 1985, are amended to read as  
1-60 follows:

1-61 Sec. 23. MEETINGS OF BOARD. The board shall hold regular  
1-62 meetings at the district's office [~~at least once each month~~] on  
1-63 dates [~~a date~~] established by [~~rule of~~] the board.

1-64 Sec. 25. CONTRACTS. The board may enter into contracts as

2-1 provided by Chapter 36 [~~51~~], Water Code, and those contracts shall  
2-2 be executed by the board in the name of the district.

2-3 Sec. 28. NAME CHANGE [~~SEAL~~]. The name of [~~board shall adopt~~  
2-4 ~~a seal for~~] the district may be changed if:

2-5 (1) additional territory is annexed to the district;

2-6 or

2-7 (2) the district consolidates with another district.

2-8 Sec. 29. PURPOSE OF DISTRICT. The district is created to  
2-9 provide for the conservation, preservation, protection, recharge,  
2-10 and prevention of waste and pollution of the groundwater  
2-11 [~~underground~~] and surface water of the district consistent with:

2-12 (1) the objectives of Article XVI, Section 59, of the  
2-13 Texas Constitution, and Chapter 36, Water Code; and

2-14 (2) the powers and duties under Subchapters H and I,  
2-15 Chapter 49 [~~Chapters 51 and 52~~], Water Code.

2-16 SECTION 8. Section 30(b), Chapter 65, Acts of the 69th  
2-17 Legislature, Regular Session, 1985, is amended to read as follows:

2-18 (b) In addition to the rules adopted under Subsection (a) of  
2-19 this section, the board may adopt and enforce rules as provided by  
2-20 Chapter 36 [~~Sections 51.127 through 51.132~~], Water Code. The board  
2-21 may adopt rules necessary for the exercise of district powers and  
2-22 duties under Subchapters H and I, Chapter 49, Water Code [~~as~~  
2-23 amended].

2-24 SECTION 9. Sections 31, 32, 33, 34, and 35, Chapter 65, Acts  
2-25 of the 69th Legislature, Regular Session, 1985, are amended to read  
2-26 as follows:

2-27 Sec. 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.  
2-28 Except to the extent of any conflict with this Act or as  
2-29 specifically limited by this Act, the district may exercise the  
2-30 powers granted and shall exercise the duties under [~~Subchapters D,~~  
2-31 ~~O, and P,~~] Chapter 36 and Subchapters H and I, Chapter 49 [~~51~~],  
2-32 Water Code, [~~and Subchapter D, Chapter 52, Water Code,~~] to carry out  
2-33 the purpose of the district and this Act.

2-34 Sec. 32. LIMITATION ON PERMIT AUTHORITY. If the district  
2-35 regulates production of groundwater [~~underground water~~] by permit  
2-36 as authorized by Chapter 36 [~~52~~], Water Code, the board may not deny  
2-37 a permit to drill a well to the owner of land, his heirs, assigns,  
2-38 and lessees on his land that complies with the [~~and the right to~~  
2-39 ~~produce water from that well under~~] rules adopted by the district.

2-40 Sec. 33. STUDIES AND SURVEYS. The board may [~~shall~~] have  
2-41 professional engineers make studies and surveys of the groundwater  
2-42 [~~underground~~] and surface water supplies within the district and  
2-43 the facilities available for use in the conservation, preservation,  
2-44 protection, recharge, and prevention of waste and pollution of  
2-45 those water resources. The professional engineers also may [~~shall~~]  
2-46 determine the quantities of both groundwater [~~underground~~] and  
2-47 surface water available in the district.

2-48 Sec. 34. PLANS AND SPECIFICATIONS. The district shall  
2-49 develop and implement comprehensive plans for the conservation,  
2-50 preservation, protection, recharge, and prevention of waste and  
2-51 pollution of groundwater [~~underground~~] and surface water within the  
2-52 district. The plans shall include all works, facilities, and  
2-53 improvements necessary to implement the plans and the  
2-54 specifications for those works, facilities, and improvements.

2-55 Sec. 35. RESEARCH; INFORMATION. The district may [~~shall~~]  
2-56 engage in research projects and [~~shall~~] develop information to be  
2-57 used by the district in preparing and implementing its plans and in  
2-58 carrying out its powers and duties under this Act.

2-59 SECTION 10. Section 39(b), Chapter 65, Acts of the 69th  
2-60 Legislature, Regular Session, 1985, is amended to read as follows:

2-61 (b) The district shall construct and acquire works,  
2-62 facilities, and improvements in the manner provided by Subchapters  
2-63 H and I, Chapter 49 [~~51~~], Water Code [~~for water control and~~  
2-64 ~~improvement districts~~].

2-65 SECTION 11. Sections 43 and 45, Chapter 65, Acts of the 69th  
2-66 Legislature, Regular Session, 1985, are amended to read as follows:

2-67 Sec. 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act  
2-68 and Chapter 36 and Subchapters H and I, Chapter 49 [~~Chapters 51 and~~  
2-69 ~~52~~], Water Code, the district may sell or otherwise dispose of land

3-1 and other property of the district that is not necessary to carry  
3-2 out the purpose or powers of the district as determined by the  
3-3 board.

3-4 Sec. 45. PROTECTION OF WATER RIGHTS. The ownership and  
3-5 rights of the owner of land, his lessees, and assigns in groundwater  
3-6 [~~underground~~] and any surface water rights are recognized and this  
3-7 Act does not deprive or divest the owner, his lessees, and assigns  
3-8 of those ownership rights.

3-9 SECTION 12. Section 53, Chapter 65, Acts of the 69th  
3-10 Legislature, Regular Session, 1985, is repealed.

3-11 SECTION 13. A director of the Irion County Water  
3-12 Conservation District whose term expires in May 2009 shall serve a  
3-13 term that expires on the uniform election date in May 2012. A  
3-14 director elected to replace a director whose term expires in May  
3-15 2010 shall serve a four-year term as provided by Section 11, Chapter  
3-16 65, Acts of the 69th Legislature, Regular Session, 1985, as amended  
3-17 by this Act. Section 11, as amended, applies to any regularly  
3-18 scheduled election of directors held in 2012 or a later year.

3-19 SECTION 14. (a) The legal notice of the intention to  
3-20 introduce this Act, setting forth the general substance of this  
3-21 Act, has been published as provided by law, and the notice and a  
3-22 copy of this Act have been furnished to all persons, agencies,  
3-23 officials, or entities to which they are required to be furnished  
3-24 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-25 Government Code.

3-26 (b) The governor, one of the required recipients, has  
3-27 submitted the notice and Act to the Texas Commission on  
3-28 Environmental Quality.

3-29 (c) The Texas Commission on Environmental Quality has filed  
3-30 its recommendations relating to this Act with the governor, the  
3-31 lieutenant governor, and the speaker of the house of  
3-32 representatives within the required time.

3-33 (d) All requirements of the constitution and laws of this  
3-34 state and the rules and procedures of the legislature with respect  
3-35 to the notice, introduction, and passage of this Act are fulfilled  
3-36 and accomplished.

3-37 SECTION 15. This Act takes effect immediately if it  
3-38 receives a vote of two-thirds of all the members elected to each  
3-39 house, as provided by Section 39, Article III, Texas Constitution.  
3-40 If this Act does not receive the vote necessary for immediate  
3-41 effect, this Act takes effect September 1, 2009.

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