

By: Duncan

S.B. No. 2092

A BILL TO BE ENTITLED

AN ACT

relating to the Irion County Water Conservation District.

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

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

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

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

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

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

(2) otherwise in compliance with Subchapter K, Chapter 36, Water Code.

SECTION 3. Section 9(b), Chapter 65, Acts of the 69th Legislature, Regular Session, 1985, 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 commissioners precinct must be a resident of that precinct unless the composition of the board of directors changes under Section 8(c) of this Act.

SECTION 4. Sections 10, 11, 12, and 15, Chapter 65, Acts of the 69th Legislature, Regular Session, 1985, are 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 date in May [~~first Saturday in April of each year~~] to elect the appropriate number of directors to the board.

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

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

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

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

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

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

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

SECTION 7. Sections 23, 25, 28, and 29, Chapter 65, Acts of the 69th Legislature, Regular Session, 1985, are 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 dates [~~a date~~] established by [~~rule of~~] the board.

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.

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

(1) additional territory is annexed to the district;
or

(2) the district consolidates with another district.

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

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

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

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

(b) In addition to the rules adopted under Subsection (a) of this section, the board may adopt and enforce rules as provided by Chapter 36 [~~Sections 51.127 through 51.132~~], Water Code. The board

1 may adopt rules necessary for the exercise of district powers and
2 duties under Subchapters H and I, Chapter 49, Water Code [~~as~~
3 ~~amended~~].

4 SECTION 9. Sections 31, 32, 33, 34, and 35, Chapter 65, Acts
5 of the 69th Legislature, Regular Session, 1985, are amended to read
6 as follows:

7 Sec. 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.
8 Except to the extent of any conflict with this Act or as
9 specifically limited by this Act, the district may exercise the
10 powers granted and shall exercise the duties under [~~Subchapters D,~~
11 ~~O, and P,~~] Chapter 36 and Subchapters H and I, Chapter 49 [~~51~~],
12 Water Code, [~~and Subchapter D, Chapter 52, Water Code,~~] to carry out
13 the purpose of the district and this Act.

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

20 Sec. 33. STUDIES AND SURVEYS. The board may [~~shall~~] have
21 professional engineers make studies and surveys of the groundwater
22 [~~underground~~] and surface water supplies within the district and
23 the facilities available for use in the conservation, preservation,
24 protection, recharge, and prevention of waste and pollution of
25 those water resources. The professional engineers also may [~~shall~~]
26 determine the quantities of both groundwater [~~underground~~] and
27 surface water available in the district.

1 Sec. 34. PLANS AND SPECIFICATIONS. The district shall
2 develop and implement comprehensive plans for the conservation,
3 preservation, protection, recharge, and prevention of waste and
4 pollution of groundwater [~~underground~~] and surface water within the
5 district. The plans shall include all works, facilities, and
6 improvements necessary to implement the plans and the
7 specifications for those works, facilities, and improvements.

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

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

14 (b) The district shall construct and acquire works,
15 facilities, and improvements in the manner provided by Subchapters
16 H and I, Chapter 49 [~~51~~], Water Code[, ~~for water control and~~
17 ~~improvement districts~~].

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

20 Sec. 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act
21 and Chapter 36 and Subchapters H and I, Chapter 49 [~~Chapters 51 and~~
22 ~~52~~], Water Code, the district may sell or otherwise dispose of land
23 and other property of the district that is not necessary to carry
24 out the purpose or powers of the district as determined by the
25 board.

26 Sec. 45. PROTECTION OF WATER RIGHTS. The ownership and
27 rights of the owner of land, his lessees, and assigns in groundwater

1 ~~[underground]~~ and any surface water rights are recognized and this
2 Act does not deprive or divest the owner, his lessees, and assigns
3 of those ownership rights.

4 SECTION 12. Section 53, Chapter 65, Acts of the 69th
5 Legislature, Regular Session, 1985, is repealed.

6 SECTION 13. A director of the Irion County Water
7 Conservation District whose term expires in May 2009 shall serve a
8 term that expires on the uniform election date in May 2012. A
9 director elected to replace a director whose term expires in May
10 2010 shall serve a four-year term as provided by Section 11, Chapter
11 65, Acts of the 69th Legislature, Regular Session, 1985, as amended
12 by this Act. Section 11, as amended, applies to any regularly
13 scheduled election of directors held in 2012 or a later year.

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

21 (b) The governor, one of the required recipients, has
22 submitted the notice and Act to the Texas Commission on
23 Environmental Quality.

24 (c) The Texas Commission on Environmental Quality has filed
25 its recommendations relating to this Act with the governor, the
26 lieutenant governor, and the speaker of the house of
27 representatives within the required time.

1 (d) All requirements of the constitution and laws of this
2 state and the rules and procedures of the legislature with respect
3 to the notice, introduction, and passage of this Act are fulfilled
4 and accomplished.

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