

1-1 By: Duncan S.B. No. 2092
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 14, 2009, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; April 14, 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. Subsection (b), Section 9, Chapter 65, Acts of
1-26 the 69th Legislature, Regular Session, 1985, is amended to read as
1-27 follows:

1-28 (b) In addition to the requirements of Subsection (a) of
1-29 this section, a person who is a director from a county commissioners
1-30 precinct must be a resident of that precinct unless the composition
1-31 of the board of directors changes under Section 8(c) of this Act.

1-32 SECTION 4. Sections 10, 11, 12, and 15, Chapter 65, Acts of
1-33 the 69th Legislature, Regular Session, 1985, are amended to read as
1-34 follows:

1-35 Sec. 10. ELECTION OF DIRECTORS. Beginning in the year
1-36 following the creation election, an election shall be held on the
1-37 uniform election date in May [~~first Saturday in April of each year~~]
1-38 to elect the appropriate number of directors to the board.

1-39 Sec. 11. TERM OF OFFICE. Except for the initial directors
1-40 of the district, directors shall serve for terms of four [~~two~~]
1-41 years.

1-42 Sec. 12. BEGINNING OF DIRECTOR'S TERM. A director takes
1-43 office at the first regular meeting of the board [~~in April~~]
1-44 following election to the board.

1-45 Sec. 15. COMPENSATION. Each director is entitled to
1-46 receive fees of office as provided by Chapter 36, Water Code, [~~for~~
1-47 ~~his services not more than \$25 a day~~] for each day [~~actually~~]
1-48 engaged in the director's duties for the district.

1-49 SECTION 5. Subsection (a), Section 18, Chapter 65, Acts of
1-50 the 69th Legislature, Regular Session, 1985, is amended to read as
1-51 follows:

1-52 (a) The board may [~~shall~~] appoint persons to serve as
1-53 treasurer and attorney for the district.

1-54 SECTION 6. Subsection (b), Section 19, Chapter 65, Acts of
1-55 the 69th Legislature, Regular Session, 1985, is amended to read as
1-56 follows:

1-57 (b) The general manager may [~~shall~~] execute a bond in the
1-58 amount determined by the board, payable to the district, and
1-59 conditioned on the faithful performance of the general manager's
1-60 duties. The district shall pay for the bond.

1-61 SECTION 7. Sections 23, 25, 28, and 29, Chapter 65, Acts of
1-62 the 69th Legislature, Regular Session, 1985, are amended to read as
1-63 follows:

1-64 Sec. 23. MEETINGS OF BOARD. The board shall hold regular

2-1 meetings at the district's office [~~at least once each month~~] on
 2-2 dates [~~a date~~] established by [~~rule of~~] the board.

2-3 Sec. 25. CONTRACTS. The board may enter into contracts as
 2-4 provided by Chapter 36 [~~51~~], Water Code, and those contracts shall
 2-5 be executed by the board in the name of the district.

2-6 Sec. 28. NAME CHANGE [~~SEAL~~]. The name of [~~board shall adopt~~
 2-7 ~~a seal for~~] the district may be changed if:

2-8 (1) additional territory is annexed to the district;

2-9 or

2-10 (2) the district consolidates with another district.

2-11 Sec. 29. PURPOSE OF DISTRICT. The district is created to
 2-12 provide for the conservation, preservation, protection, recharge,
 2-13 and prevention of waste and pollution of the groundwater
 2-14 [~~underground~~] and surface water of the district consistent with:

2-15 (1) the objectives of Article XVI, Section 59, of the
 2-16 Texas Constitution, and Chapter 36, Water Code; and

2-17 (2) the powers and duties under Subchapters H and I,
 2-18 Chapter 49 [~~Chapters 51 and 52~~], Water Code.

2-19 SECTION 8. Subsection (b), Section 30, Chapter 65, Acts of
 2-20 the 69th Legislature, Regular Session, 1985, is amended to read as
 2-21 follows:

2-22 (b) In addition to the rules adopted under Subsection (a) of
 2-23 this section, the board may adopt and enforce rules as provided by
 2-24 Chapter 36 [~~Sections 51.127 through 51.132~~], Water Code. The board
 2-25 may adopt rules necessary for the exercise of district powers and
 2-26 duties under Subchapters H and I, Chapter 49, Water Code [~~, as~~
 2-27 ~~amended~~].

2-28 SECTION 9. Sections 31, 32, 33, 34, and 35, Chapter 65, Acts
 2-29 of the 69th Legislature, Regular Session, 1985, are amended to read
 2-30 as follows:

2-31 Sec. 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.
 2-32 Except to the extent of any conflict with this Act or as
 2-33 specifically limited by this Act, the district may exercise the
 2-34 powers granted and shall exercise the duties under [~~Subchapters D,~~
 2-35 ~~O, and P,~~] Chapter 36 and Subchapters H and I, Chapter 49 [~~51~~],
 2-36 Water Code, [~~and Subchapter D, Chapter 52, Water Code,~~] to carry out
 2-37 the purpose of the district and this Act.

2-38 Sec. 32. LIMITATION ON PERMIT AUTHORITY. If the district
 2-39 regulates production of groundwater [~~underground water~~] by permit
 2-40 as authorized by Chapter 36 [~~52~~], Water Code, the board may not deny
 2-41 a permit to drill a well to the owner of land, his heirs, assigns,
 2-42 and lessees on his land that complies with the [~~and the right to~~
 2-43 ~~produce water from that well under~~] rules adopted by the district.

2-44 Sec. 33. STUDIES AND SURVEYS. The board may [~~shall~~] have
 2-45 professional engineers make studies and surveys of the groundwater
 2-46 [~~underground~~] and surface water supplies within the district and
 2-47 the facilities available for use in the conservation, preservation,
 2-48 protection, recharge, and prevention of waste and pollution of
 2-49 those water resources. The professional engineers also may [~~shall~~]
 2-50 determine the quantities of both groundwater [~~underground~~] and
 2-51 surface water available in the district.

2-52 Sec. 34. PLANS AND SPECIFICATIONS. The district shall
 2-53 develop and implement comprehensive plans for the conservation,
 2-54 preservation, protection, recharge, and prevention of waste and
 2-55 pollution of groundwater [~~underground~~] and surface water within the
 2-56 district. The plans shall include all works, facilities, and
 2-57 improvements necessary to implement the plans and the
 2-58 specifications for those works, facilities, and improvements.

2-59 Sec. 35. RESEARCH; INFORMATION. The district may [~~shall~~]
 2-60 engage in research projects and [~~shall~~] develop information to be
 2-61 used by the district in preparing and implementing its plans and in
 2-62 carrying out its powers and duties under this Act.

2-63 SECTION 10. Subsection (b), Section 39, Chapter 65, Acts of
 2-64 the 69th Legislature, Regular Session, 1985, is amended to read as
 2-65 follows:

2-66 (b) The district shall construct and acquire works,
 2-67 facilities, and improvements in the manner provided by Subchapters
 2-68 H and I, Chapter 49 [~~51~~], Water Code [~~, for water control and~~
 2-69 ~~improvement districts~~].

3-1 SECTION 11. Sections 43 and 45, Chapter 65, Acts of the 69th
3-2 Legislature, Regular Session, 1985, are amended to read as follows:

3-3 Sec. 43. SALE AND DISPOSAL OF PROPERTY. Subject to this Act
3-4 and Chapter 36 and Subchapters H and I, Chapter 49 [~~Chapters 51 and~~
3-5 ~~52~~], Water Code, the district may sell or otherwise dispose of land
3-6 and other property of the district that is not necessary to carry
3-7 out the purpose or powers of the district as determined by the
3-8 board.

3-9 Sec. 45. PROTECTION OF WATER RIGHTS. The ownership and
3-10 rights of the owner of land, his lessees, and assigns in groundwater
3-11 [~~underground~~] and any surface water rights are recognized and this
3-12 Act does not deprive or divest the owner, his lessees, and assigns
3-13 of those ownership rights.

3-14 SECTION 12. Section 53, Chapter 65, Acts of the 69th
3-15 Legislature, Regular Session, 1985, is repealed.

3-16 SECTION 13. A director of the Irion County Water
3-17 Conservation District whose term expires in May 2009 shall serve a
3-18 term that expires on the uniform election date in May 2012. A
3-19 director elected to replace a director whose term expires in May
3-20 2010 shall serve a four-year term as provided by Section 11, Chapter
3-21 65, Acts of the 69th Legislature, Regular Session, 1985, as amended
3-22 by this Act. Section 11, as amended, applies to any regularly
3-23 scheduled election of directors held in 2012 or a later year.

3-24 SECTION 14. (a) The legal notice of the intention to
3-25 introduce this Act, setting forth the general substance of this
3-26 Act, has been published as provided by law, and the notice and a
3-27 copy of this Act have been furnished to all persons, agencies,
3-28 officials, or entities to which they are required to be furnished
3-29 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-30 Government Code.

3-31 (b) The governor, one of the required recipients, has
3-32 submitted the notice and Act to the Texas Commission on
3-33 Environmental Quality.

3-34 (c) The Texas Commission on Environmental Quality has filed
3-35 its recommendations relating to this Act with the governor, the
3-36 lieutenant governor, and the speaker of the house of
3-37 representatives within the required time.

3-38 (d) All requirements of the constitution and laws of this
3-39 state and the rules and procedures of the legislature with respect
3-40 to the notice, introduction, and passage of this Act are fulfilled
3-41 and accomplished.

3-42 SECTION 15. This Act takes effect immediately if it
3-43 receives a vote of two-thirds of all the members elected to each
3-44 house, as provided by Section 39, Article III, Texas Constitution.
3-45 If this Act does not receive the vote necessary for immediate
3-46 effect, this Act takes effect September 1, 2009.

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