

By: Seliger

S.B. No. 1268

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the taxing power of the North Plains Groundwater
3 Conservation District.

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

5 SECTION 1. Section 2, Chapter 498, Acts of the 54th
6 Legislature, Regular Session, 1955, is amended to read as follows:

7 Sec. 2. North Plains Groundwater Conservation District,
8 hereinafter sometimes referred to as the District, shall have and
9 exercise and is hereby vested with all of the rights, powers,
10 privileges and duties conferred and imposed by the general laws of
11 this State now enforced or hereafter enacted applicable to
12 groundwater conservation districts created under authority of
13 Article XVI, Section 59 of the Constitution of Texas, and Chapter
14 36, Water Code, to:

15 (1) formulate, promulgate and enforce rules and
16 regulations for the purpose of conserving, preserving, protecting
17 and recharging the water of any groundwater reservoir or
18 subdivision of a groundwater reservoir in the district;

19 (2) formulate, promulgate and enforce rules and
20 regulations to prevent the waste, as defined in Chapter 36, Water
21 Code, of the underground water of any groundwater reservoir or
22 subdivision of a groundwater reservoir in the district;

23 (3) require permits for the drilling, equipping and
24 completion of wells in any groundwater reservoir of a groundwater

1 reservoir in the district and to issue such permits subject to such
2 terms and provisions with reference to the drilling, equipping and
3 completion thereof as may be necessary to prevent waste or
4 contamination;

5 (4) provide for the spacing of wells producing from
6 any groundwater reservoir or subdivision of a groundwater reservoir
7 in the district and to regulate the production therefrom so as to
8 minimize as far as practicable the drawdown of the water table or
9 the reduction of the artesian pressure; provided, however, the
10 owner of the land, his heirs, assigns and lessees, shall not be
11 denied a permit to drill a well on his land and produce groundwater
12 therefrom subject to rules and regulations promulgated hereunder to
13 prevent waste or contamination;

14 (5) require records to be kept and reports to be made
15 of the drilling, equipping, and completion of wells into the
16 reservoirs or subdivisions of groundwater reservoirs and the taking
17 and use of groundwater therefrom; to require accurate drillers'
18 logs to be kept of such wells and a copy thereof and of any electric
19 logs which may be made of such wells to be filed with the district;

20 (6) acquire lands for the erection of dams and for the
21 purpose of draining lakes, draws, and depressions, and to construct
22 dams, drain lakes, depressions, draws, and creeks and to install
23 pumps and other equipment necessary to recharge any groundwater
24 reservoir or subdivision of a groundwater reservoir in the
25 district;

26 (7) cause to be made by a registered professional
27 engineer or qualified groundwater scientist surveys of the

1 underground water of all groundwater reservoirs or subdivisions of
2 groundwater reservoirs in the district and of the facilities for
3 the development, production and use of such water, to determine the
4 quantity thereof available for production and use and the
5 improvements, developments, and recharges needed for such
6 groundwater reservoirs or subdivisions of groundwater reservoirs
7 in the district;

8 (8) develop comprehensive plans for the most efficient
9 use of the water of the groundwater reservoirs or subdivisions of
10 groundwater reservoirs in the district and for the control and
11 prevention of waste of such groundwater, which plans shall specify
12 in such detail as may be practicable the acts, procedure,
13 performance and avoidance which are or may be necessary to effect
14 such plans, including specifications therefor; to carry out
15 research projects, develop information and determine limitations,
16 if any, which should be made on the withdrawal of water from the
17 groundwater reservoirs or subdivisions of groundwater reservoirs
18 in the district; to collect and preserve information regarding the
19 use of such water and the practicability of recharge of the
20 groundwater reservoirs or subdivisions of groundwater reservoirs
21 in the district; to publish such plans and information, bring them
22 to the notice and attention of the users of such groundwater within
23 the district, and to encourage their adoption and execution;

24 (9) enforce, by injunction, mandatory injunction or
25 other appropriate remedy, in courts of competent jurisdiction,
26 rules and regulations duly adopted and promulgated by such
27 district; provided, that no rule or regulation shall be effective

1 until a brief resume thereof has been published once a week for two
2 (2) consecutive weeks in one or more newspapers to give circulation
3 within the district, and such rule or regulation is to be effective
4 not less than fourteen (14) days after the date of the first
5 publication;

6 (10) incur all such indebtedness as may be necessary
7 and requisite to the achievement of the purposes for which the
8 district is created; to issue negotiable bonds and notes in the name
9 of the district for any lawful purpose of the district and levy and
10 collect such ad valorem taxes as may be necessary for the payment of
11 the interest and the creation of a sinking fund for the payment of
12 such bonds, the issuance of such bonds and the levy and collection
13 of taxes to be in accordance with Chapter 36, Water Code; to levy
14 and collect the ad valorem tax authorized at the election held
15 January 21, 1955, for the maintenance of such district, its
16 installations and activities; to hereafter order elections for the
17 purpose of authorizing the levy and collection of taxes for the
18 maintenance of the district, its installations and activities, such
19 elections to be ordered and held as is provided for elections
20 authorizing the issuance of bonds; provided that in all bond
21 elections and tax elections all persons may vote who are resident
22 voters of such district; [~~provided further that the maintenance and~~
23 ~~operating taxes may never in any one year exceed Five Cents (5¢) on~~
24 ~~the One Hundred Dollar (\$100) assessed valuation on property in the~~
25 ~~district subject to taxation,]~~ and provided, further, that the
26 district may have its taxes assessed and collected by the
27 respective county tax assessors and collectors as provided in

1 Chapter 218, Page 348, Acts, Fifty-second Legislature, Regular
2 Session, 1951.

3 SECTION 2. (a) The legal notice of the intention to
4 introduce this Act, setting forth the general substance of this
5 Act, has been published as provided by law, and the notice and a
6 copy of this Act have been furnished to all persons, agencies,
7 officials, or entities to which they are required to be furnished
8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9 Government Code.

10 (b) The governor, one of the required recipients, has
11 submitted the notice and Act to the Texas Commission on
12 Environmental Quality.

13 (c) The Texas Commission on Environmental Quality has filed
14 its recommendations relating to this Act with the governor, the
15 lieutenant governor, and the speaker of the house of
16 representatives within the required time.

17 (d) All requirements of the constitution and laws of this
18 state and the rules and procedures of the legislature with respect
19 to the notice, introduction, and passage of this Act are fulfilled
20 and accomplished.

21 SECTION 3. This Act takes effect September 1, 2017.