

1-1 By: Zaffirini S.B. No. 2186  
 1-2 (In the Senate - Filed March 10, 2017; March 29, 2017, read  
 1-3 first time and referred to Committee on Agriculture, Water & Rural  
 1-4 Affairs; April 27, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
 1-6 April 27, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2186 By: Rodríguez

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the Live Oak Underground Water Conservation District.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Chapter 715, Acts of the 71st Legislature,  
 1-22 Regular Session, 1989, is amended by amending Sections 1, 4, 5, 6,  
 1-23 10, 11, and 13 to read as follows:  
 1-24 Sec. 1. CREATION OF DISTRICT. Under Article XVI, Section  
 1-25 59, of the Texas Constitution, the Live Oak Underground Water  
 1-26 Conservation District has ~~[is created as a governmental agency and~~  
 1-27 ~~body politic and corporate, authorized to exercise]~~ the powers  
 1-28 essential to the accomplishment of the purposes of that  
 1-29 constitutional provision and ~~[to exercise]~~ the rights, powers,  
 1-30 duties, privileges, and functions provided ~~[by this Act and]~~ by  
 1-31 Chapter 36 ~~[Chapters 51 and 52]~~, Water Code, and by other laws of  
 1-32 this state relating to underground water conservation districts.  
 1-33 Sec. 4. PURPOSE OF DISTRICT. The district is created to  
 1-34 provide for the conservation, preservation, protection, recharge,  
 1-35 and prevention of waste of the underground water reservoirs located  
 1-36 under district land consistent with the objectives of Article XVI,  
 1-37 Section 59, of the Texas Constitution and Chapter 36 ~~[Chapters 51~~  
 1-38 ~~and 52]~~, Water Code.  
 1-39 Sec. 5. POWERS AND DUTIES OF DISTRICT. The district has  
 1-40 ~~[may exercise]~~ the powers, rights, duties, privileges, and  
 1-41 functions permitted by Chapter 36 ~~[Chapters 51 and 52]~~, Water  
 1-42 Code~~[, and may:~~  
 1-43 ~~[(1) make and enforce rules to provide for conserving,~~  
 1-44 ~~preserving, protecting, recharging, and preventing waste of the~~  
 1-45 ~~water from the underground water reservoirs;~~  
 1-46 ~~[(2) enforce its rules by injunction, mandatory~~  
 1-47 ~~injunction, or other appropriate remedies in a court of competent~~  
 1-48 ~~jurisdiction;~~  
 1-49 ~~[(3) require permits for the drilling, equipping, and~~  
 1-50 ~~completion of wells in the underground water reservoirs in the~~  
 1-51 ~~district and issue permits that include terms and provisions with~~  
 1-52 ~~reference to the drilling, equipping, and completion of the wells~~  
 1-53 ~~that are necessary to prevent waste or to conserve, preserve, and~~  
 1-54 ~~protect underground water;~~  
 1-55 ~~[(4) provide for the spacing of wells producing from~~  
 1-56 ~~the underground water reservoirs in the district and regulate the~~  
 1-57 ~~production from those wells to minimize as far as practicable the~~  
 1-58 ~~drawdown of the water table or the reduction of the artesian~~  
 1-59 ~~pressure; provided, the owner of the land or his heirs, assigns, and~~  
 1-60 ~~lessees are not denied a permit to drill a well on their land and the~~

2-1 ~~right to produce underground water from that well subject to rules~~  
2-2 ~~adopted under this Act,~~

2-3 ~~[(5) require records to be kept and reports to be made~~  
2-4 ~~of the drilling, equipping, and completion of wells into any~~  
2-5 ~~underground water reservoir in the district and the taking and use~~  
2-6 ~~of underground water from those reservoirs and require accurate~~  
2-7 ~~driller's logs to be kept of those wells and a copy of those logs and~~  
2-8 ~~of any electric logs that may be made of the wells to be filed with~~  
2-9 ~~the district,~~

2-10 ~~[(6) acquire land for the erection of dams and for the~~  
2-11 ~~purpose of draining lakes, draws, and depressions; construct dams,~~  
2-12 ~~drain lakes, depressions, draws, and creeks; and install pumps and~~  
2-13 ~~other equipment necessary to recharge any underground water~~  
2-14 ~~reservoirs in the district,~~

2-15 ~~[(7) have made by registered professional engineers~~  
2-16 ~~surveys of the underground water of any underground water reservoir~~  
2-17 ~~in the district and of the facilities for the development,~~  
2-18 ~~production, and use of that underground water and determine the~~  
2-19 ~~quantity of the underground water available for the production and~~  
2-20 ~~use and the improvements, developments, and recharges needed for~~  
2-21 ~~those underground water reservoirs,~~

2-22 ~~[(8) develop comprehensive plans for the most~~  
2-23 ~~efficient use of the underground water of any underground water~~  
2-24 ~~reservoir in the district and for the control and prevention of~~  
2-25 ~~waste of that underground water, with the plans to specify in the~~  
2-26 ~~amount of detail that may be practicable, the acts, procedure,~~  
2-27 ~~performance, and avoidance that are or may be necessary to carry out~~  
2-28 ~~those plans, including specifications,~~

2-29 ~~[(9) carry out research projects, develop~~  
2-30 ~~information, and determine limitations, if any, that should be made~~  
2-31 ~~on the withdrawal of underground water from any underground water~~  
2-32 ~~reservoir in the district,~~

2-33 ~~[(10) collect and preserve information regarding the~~  
2-34 ~~use of the underground water and the practicability of recharge of~~  
2-35 ~~any underground water reservoir in the district,~~

2-36 ~~[(11) publish plans and information, bring them to the~~  
2-37 ~~notice and attention of the users of the underground water in the~~  
2-38 ~~district, and encourage their adoption and execution,~~

2-39 ~~[(12) contract for, sell, and distribute water from a~~  
2-40 ~~water import authority or other agency; and~~

2-41 ~~[(13) contract with other districts with powers~~  
2-42 ~~similar to those of the district to achieve common goals].~~

2-43 Sec. 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
2-44 this Act, the administrative and procedural provisions of Chapter  
2-45 36 [~~Chapters 51 and 52~~], Water Code, apply to the district.

2-46 Sec. 10. DISSOLUTION OF DISTRICT. Subchapter I, Chapter 36  
2-47 [~~Subchapter G, Chapter 52~~], Water Code, applies to dissolution of  
2-48 the district.

2-49 Sec. 11. ANNEXATION. [~~Additional territory may be added to~~  
2-50 ~~the district as provided by Chapter 51, Water Code.~~] The board of  
2-51 directors shall determine to which precinct [~~the~~] annexed land will  
2-52 be added for purposes of election of directors.

2-53 Sec. 13. STATUTORY INTERPRETATION. If there is a conflict  
2-54 between this Act and Chapter 36 [~~Chapter 51 or 52~~], Water Code, this  
2-55 Act controls. [~~If there is a conflict between the application of~~  
2-56 ~~Chapters 51 and 52, Water Code, to the district, Chapter 52~~  
2-57 ~~controls.~~]

2-58 SECTION 2. Section 9(a), Chapter 715, Acts of the 71st  
2-59 Legislature, Regular Session, 1989, is amended to read as follows:

2-60 (a) Except as provided by Subsection (b) of this section,  
2-61 the tax and bond provisions of Subchapters F and G, Chapter 36,  
2-62 [~~Subchapter F, Chapter 49, and Subchapters K, L, M, N, and P,~~  
2-63 ~~Chapter 51,~~] Water Code, apply to the district.

2-64 SECTION 3. Section 12(e), Chapter 715, Acts of the 71st  
2-65 Legislature, Regular Session, 1989, is amended to read as follows:

2-66 (e) The district shall hold an election in each  
2-67 even-numbered year to elect the appropriate number of directors  
2-68 [~~After the election of the directors at the confirmation election~~  
2-69 ~~held under Section 8 of this Act, regular elections for a portion of~~

3-1 ~~the board of directors shall be held in each even-numbered year.~~  
3-2 ~~The directors elected from commissioner precincts 1 and 3 and the~~  
3-3 ~~director elected at large at the confirmation election shall serve~~  
3-4 ~~as directors until the first regular meeting of the board after the~~  
3-5 ~~second regular election of directors, and the directors elected~~  
3-6 ~~from commissioner precincts 2 and 4 at the confirmation election~~  
3-7 ~~shall serve until the first regular meeting of the board after the~~  
3-8 ~~first regular election of directors].~~

3-9 SECTION 4. Sections 7 and 8, Chapter 715, Acts of the 71st  
3-10 Legislature, Regular Session, 1989, are repealed.

3-11 SECTION 5. (a) The legal notice of the intention to  
3-12 introduce this Act, setting forth the general substance of this  
3-13 Act, has been published as provided by law, and the notice and a  
3-14 copy of this Act have been furnished to all persons, agencies,  
3-15 officials, or entities to which they are required to be furnished  
3-16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-17 Government Code.

3-18 (b) The governor, one of the required recipients, has  
3-19 submitted the notice and Act to the Texas Commission on  
3-20 Environmental Quality.

3-21 (c) The Texas Commission on Environmental Quality has filed  
3-22 its recommendations relating to this Act with the governor, the  
3-23 lieutenant governor, and the speaker of the house of  
3-24 representatives within the required time.

3-25 (d) All requirements of the constitution and laws of this  
3-26 state and the rules and procedures of the legislature with respect  
3-27 to the notice, introduction, and passage of this Act are fulfilled  
3-28 and accomplished.

3-29 SECTION 6. This Act takes effect immediately if it receives  
3-30 a vote of two-thirds of all the members elected to each house, as  
3-31 provided by Section 39, Article III, Texas Constitution. If this  
3-32 Act does not receive the vote necessary for immediate effect, this  
3-33 Act takes effect September 1, 2017.

3-34 \* \* \* \* \*