

1 AN ACT

2 relating to the administration, boundaries, powers, duties,
3 financing, and validation of the Lubbock County Water Control and
4 Improvement District No. 1, of Lubbock County, Texas, including
5 the power to levy taxes, issue bonds, take property by eminent
6 domain, and impose penalties.

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

8 ARTICLE I. VALIDATING VARIOUS PROCEEDINGS FOR FORMATION OF DISTRICT

9 SECTION 1.1. (a) Lubbock County Water Control and
10 Improvement District No. 1, of Lubbock County, Texas, is in all
11 things validated and is declared to be a validly existing and
12 operating water control and improvement district under Article XVI,
13 Section 59, of the Texas Constitution from and after its initial
14 formation on October 10, 1955, by the Commissioners Court of
15 Lubbock County, Texas, under Chapter 25, General Laws, Acts of the
16 39th Legislature, Regular Session, 1925.

17 (b) In this Act, "district" means the Lubbock County Water
18 Control and Improvement District No. 1, of Lubbock County, Texas.

19 SECTION 1.2. All governmental proceedings and acts performed
20 by the Commissioners Court of Lubbock County, Texas, and the board
21 of directors of the district and by any officer of the
22 commissioners court or the district in connection with the
23 establishment of the district are in all things validated as of the
24 respective dates of those acts and proceedings, including the
25 following acts and proceedings:

1 (1) the order of the Commissioners Court of Lubbock
2 County granting the petition for the formation of the district on
3 October 10, 1955;

4 (2) election proceedings and the order canvassing
5 returns of the election to confirm the district held in Lubbock
6 County, Texas, on January 10, 1956;

7 (3) the order confirming the district entered by the
8 Commissioners Court of Lubbock County, Texas, on January 18, 1956;

9 (4) the notice of hearing for exclusion of land and
10 the order entered on March 5, 1956, finding that no petition had
11 been submitted to exclude land from the district;

12 (5) proceedings for authorization of bonds to provide
13 funds for capital improvements that were approved by a vote of
14 2,424 for the bonds and 1,451 against the bonds at an election held
15 on April 17, 1956; and

16 (6) the notice issued May 28, 1956, for hearing on the
17 method of taxation and the hearing held on June 12, 1956, with a
18 finding that the district should be supported by ad valorem
19 taxation.

20 SECTION 1.3. (a) It is found and determined that the area
21 described in this section containing approximately 1,209 acres is
22 the land that is included within the boundaries of the district:
23 METES AND BOUNDS DESCRIPTION of a 1209.1 acre tract located in
24 Sections 6, 7 and 8, Block 1, Sections 19, 20 and 24, Block S and
25 Section 1, Stilson and Case Survey, Lubbock County, Texas, being
26 further described as follows:

1 BEGINNING at a point which bears N. $00^{\circ}40'$ W. a distance of 447.00
2 feet from the Southwest corner of Section 24, Block S, Lubbock
3 County, Texas;
4 THENCE N. $00^{\circ}40'$ W., along the West line of said Section 24, Block
5 S, a distance of 438.00 feet;
6 THENCE N. $36^{\circ}10'$ E., along the centerline of FM 835, a distance of
7 221.00 feet to a point of curvature;
8 THENCE Northwesterly around a curve to the left, continuing along
9 said centerline, said curve having a radius of 447.46 feet, a
10 central angle of $48^{\circ}56'$, tangent lengths of 217.3 feet and a chord
11 distance of 395.49 feet;
12 THENCE N. $12^{\circ}56'$ W., continuing along said centerline, a distance
13 of 522.5 feet to a point of curvature;
14 THENCE Northeasterly around a curve to the right, continuing along
15 said centerline, said curve having a radius of 716.20 feet, a
16 central angle of $17^{\circ}52'$, tangent lengths of 112.7 feet and a chord
17 distance of 222.43 feet;
18 THENCE N. $4^{\circ}47'$ E., continuing along said centerline of FM 835, a
19 distance of 1742.6 feet to a point of curvature;
20 THENCE Northeasterly around a curve to the right, continuing along
21 said centerline, said curve having a radius of 1145.92 feet, a
22 central angle of $9^{\circ}42'$, tangent lengths of 97.2 feet and a chord
23 distance of 193.77 feet;
24 THENCE N. $14^{\circ}39'$ E., continuing along said centerline, a distance
25 of 596.0 feet to a point of curvature;
26 THENCE Northeasterly around a curve to the right, continuing along

1 said centerline, said curve having a radius of 572.96 feet, a
2 central angle of $17^{\circ}48'$, tangent lengths of 89.7 feet and a chord
3 distance of 177.29 feet;
4 THENCE N. $32^{\circ}27'$ E., continuing along said centerline of FM 835, a
5 distance of 233.00 feet to a point of curvature;
6 THENCE Northwesterly around a curve to the left, continuing along
7 said centerline, said curve having a radius of 572.96 feet, a
8 central angle of 83° , tangent lengths of 506.9 feet and a chord
9 distance of 759.31 feet;
10 THENCE N. $89^{\circ}11'$ E. a distance of 4722.93 feet to a point in the
11 East line of Section 20, Block S and in the West line of Section
12 19, Block S;
13 THENCE N. $56^{\circ}05'20''$ E. a distance of 3560.63 feet;
14 THENCE N. $89^{\circ}58'$ E. a distance of 2829.16 feet to a point in the
15 East line of Section 7, Block I and the West line of Section 8,
16 Block I;
17 THENCE N. $00^{\circ}02'$ W., along the East line of Section 7, Block I and
18 the West line of Section 8, Block I, a distance of 80.00 feet;
19 THENCE N. $89^{\circ}58'$ E. a distance of 1112.00 feet;
20 THENCE S. $19^{\circ}57'$ E. a distance of 2146.14 feet;
21 THENCE S. $89^{\circ}58'$ W. a distance of 323.08 feet;
22 THENCE S. $63^{\circ}32'14''$ W. a distance of 943.62 feet;
23 THENCE S. $00^{\circ}02'$ E. a distance of 1502.27 feet;
24 THENCE S. $89^{\circ}58'$ W., along the South line of Sections 7 and 8,
25 Block I and the North line of Sections 4 and 6, Block I, at 675.00
26 feet pass the common corner of said Sections 4, 6, 7 and 8, Block

1 I, continuing for a total distance of 2304.17 feet.
2 THENCE S. 00°02' E. a distance of 1515.20 feet;
3 THENCE S. 89°58' W. a distance of 2013.44 feet;
4 THENCE S. 65°20' W. a distance of 2304.19 feet;
5 THENCE S. 00°04' W., along the West line of Section 6, Block I and
6 the East line of Section 24, Block S, a distance of 441.00 feet.
7 THENCE West a distance of 1887.50 feet;
8 THENCE N. 12°35' W. a distance of 1111.11 feet;
9 THENCE S. 89°16' W. a distance of 1593.33 feet;
10 THENCE S. 37°36' W. a distance of 454.16 feet;
11 THENCE S. 48°36' W. a distance of 692.19 feet;
12 THENCE S. 16°35' W. a distance of 865.40 feet;
13 THENCE S. 88°46' W. a distance of 525.00 feet to the Point of
14 Beginning.
15 DOES NOT REPRESENT A SURVEY ON THE GROUND. PREPARED FROM DEED
16 DESCRIPTIONS ONLY.
17 PREPARED FOR: Lubbock W.C.I.D. No. 1

18 June 1, 1987

19 This land and other property on this land included within the
20 boundaries of the district are and will continue to be benefited by
21 the creation and operation of the district.

22 (b) The legislature finds that the boundaries and field
23 notes of the district form a closure. A mistake in the field notes
24 or in copying the field notes in the legislative process does not
25 affect the organization, existence, or validity of the district,
26 the right of the district to levy and collect taxes, or the

1 legality or operation of the district or its governing body.

2 (c) If a majority of the voters of Lubbock County approve
3 the boundaries provided by Subsection (a) of this section to be
4 boundaries of the district, the boundaries of the district are the
5 boundaries described in Subsection (a) of this section.

6 (d) The board of directors may call and hold an election to
7 determine whether the district's boundaries will be the boundaries
8 provided by Subsection (a) of this section in lieu of the current
9 boundaries of Lubbock County.

10 (e) An election to determine the boundaries of the district
11 may not be held later than the 150th day after the effective date
12 of this Act. Subsection (a), Section 41.001, Election Code, does
13 not apply to such an election.

14 (f) Ballots for the election shall be printed to provide for
15 voting for or against the proposition: "The reduction of the
16 boundaries for the Lubbock County Water Control and Improvement
17 District No. 1 from the entire area of Lubbock County to include
18 only the following area _____ (Insert a
19 brief description of the territory in Subsection (a) of this
20 section), and the consequential reduction in the district's taxing
21 authority to include only the citizens living in that area."

22 (g) If a majority of the qualified voters voting at the
23 election favor the proposition, the boundaries of the district are
24 the boundaries described in Subsection (a) of this section, but if
25 a majority of the qualified voters voting at the election vote
26 against the proposition, the boundaries of the district continue to

1 be coterminous with the boundaries of Lubbock County.

2 (h) Except as specifically provided by this section, the
3 election shall be conducted in the manner provided for elections
4 under Chapter 51, Water Code, and the Election Code.

5 (i) An election called and held under this section may be
6 called and held in conjunction with another election of the
7 district.

8 ARTICLE II. EXTENDING AND ENLARGING POWERS, DUTIES,
9 FUNCTIONS, AND PROCEDURES OF DISTRICT

10 SECTION 2.1. The district has the rights, powers,
11 privileges, and duties conferred or imposed by and is governed by
12 the general law of this state in Chapter 51, Water Code, and other
13 law of this state applicable to water control and improvement
14 districts created under Article XVI, Section 59, of the Texas
15 Constitution. To the extent that any general law conflicts or is
16 inconsistent with this Act, this Act prevails.

17 SECTION 2.2. (a) The district may construct, acquire,
18 improve, maintain, and repair dams or other structures and may
19 acquire by eminent domain or otherwise land, easements, property,
20 or equipment that may be necessary to use, control, and distribute
21 water that is impounded, diverted, or controlled by the district.
22 The district may exercise the power of eminent domain both inside
23 and outside the boundaries of the district as provided by Chapter
24 21, Property Code.

25 (b) If the district, in the exercise of the power of eminent
26 domain or power of relocation or any other power granted under this

1 Act, requires relocation, raising, lowering, rerouting, changing
2 the grade of, or altering the construction of any highway,
3 railroad, electric transmission, or electric distribution line,
4 telephone or telegraph lines, conduits, poles, facilities, and
5 pipelines, the district must bear the actual cost of relocation,
6 raising, lowering, rerouting, changing the grade, or altering of
7 construction to provide comparable replacement without enhancement
8 of facilities, after deducting the net salvage value derived from
9 the old facility.

10 SECTION 2.3. For the purpose of providing dams, structures,
11 projects, and works of improvement and other necessary plans,
12 facilities, and equipment in connection with those items, for flood
13 prevention and the conservation and development of water, for the
14 improvement, repair, and operation of those items and to carry out
15 any other power or authority conferred by this Act or by Chapter
16 51, Water Code, and for the purpose of paying costs, charges, and
17 expenses of the district, the district may issue negotiable bonds
18 in the manner provided by Chapter 51, Water Code. Before bonds for
19 the financing of any engineering project are issued, the district
20 shall obtain approval of the engineering project, plans, and
21 specifications from the Texas Water Commission, and the
22 construction of the project shall be under the supervision of the
23 Texas Water Commission in the manner provided by the Water Code for
24 water control and improvement district projects and the
25 commission's rules.

26 SECTION 2.4. In addition to the powers granted by Chapter

1 51, Water Code, and other law of the state applicable to water
2 control and improvement districts, the district may exercise any
3 power necessary or requisite to fully cooperate with the federal
4 government and its agencies in taking advantage of and in securing
5 and procuring assistance, aid, benefits, grants, loans, credit, and
6 money under federal law. It is the intent of the legislature to
7 grant to the district all the power necessary to fully qualify and
8 gain the full benefits of any federal law, including all power
9 necessary or requisite to carry out the projects, works, and
10 improvements contemplated by any of those federal laws and the
11 power to secure a loan from the proper agency of the federal
12 government and, if necessary, to issue bonds of the district as
13 collateral or security for that loan for the purpose of defraying
14 the cost and expenses of the district in connection with the
15 carrying out of any project, work, and improvement.

16 SECTION 2.5. The district is a governmental agency and a
17 body politic and corporate.

18 ARTICLE III. ELECTION AND QUALIFICATION OF DIRECTORS OF
19 DISTRICT AND ORGANIZATION OF BOARD OF DIRECTORS

20 SECTION 3.1. The district's powers shall be exercised by a
21 board of five directors. Each of the directors serving on the
22 effective date of this Act shall serve for the term for which he
23 was elected. Subsequent directors shall be elected as provided by
24 Chapter 51, Water Code, and the Election Code.

25 SECTION 3.2. The directors are elected at large from within
26 the district for four-year terms.

1 SECTION 3.3. A vacancy on the board shall be filled for the
2 unexpired term by the remaining members of the board until the next
3 election of directors for the district. If that position is not
4 scheduled to be filled at that election, the person elected to fill
5 the position shall serve only for the remainder of the unexpired
6 term.

7 ARTICLE IV. DESIGNATING ADMINISTRATIVE PROCEDURES AND PROCESS

8 SECTION 4.1. The board of directors may employ a general
9 manager and give him full authority in the management and operation
10 of the district subject only to the orders of the board. On
11 delegation of authority by the board of directors, the general
12 manager may appoint peace officers and employ maintenance
13 employees, machinery operators, and other employees who are
14 required for the proper operation of the district.

15 SECTION 4.2. In connection with the use of a lake, dam,
16 structure, project, work, or improvement for flood control and the
17 conservation and development of water inside or outside the
18 district, the board of directors may establish, maintain, and
19 operate recreational facilities, including amusement rides, various
20 types of concessions, picnicking and fishing facilities, boating
21 facilities, camping improvements and accommodations, and general
22 park improvements and arrangements. Also, the board of directors
23 may establish, maintain, control, and operate incidental commercial
24 enterprises that may be convenient, advisable, and requisite to
25 carry on, enlarge, and extend the recreational program instituted
26 on the lakes, dams, and land of the district.

1 * SECTION 4.3. The board of directors may enter into any type
2 of contract with an individual, firm, partnership, corporation, or
3 other legal entity for any length of time and on terms and
4 conditions and for the consideration the board considers advisable
5 for the purpose of making available additional recreational
6 facilities and accommodations for the convenience of the public.

7 ARTICLE V. AUTHORIZING FINANCING OF OPERATIONS AND
8 CAPITAL IMPROVEMENTS

9 SECTION 5.1. The board of directors may establish a schedule
10 of fees to be charged by the district for rental of recreation
11 sites and host compartments, entrance on a recreation area for the
12 purpose of boating, fishing, camping, and picnicking, and use of
13 all other recreational facilities. The fees shall be deposited to
14 the credit of an operating fund and may be used to discharge the
15 general operational and maintenance expenses of the district. Any
16 surplus money obtained through assessment of the fees may be used
17 at the discretion of the board of directors for the erection and
18 construction of capital improvements of any kind determined by the
19 board of directors.

20 SECTION 5.2. A loan may not be consummated by the district
21 from the federal government and bonds may not be issued by the
22 district unless the loan or bonds are approved by a majority of the
23 qualified voters of the district voting at an election called and
24 held for that purpose. On approval of bonds by the attorney
25 general and registration by the comptroller of public accounts they
26 are incontestable.

1 SECTION 5.3. (a) The board of directors may call an
2 election to submit to the qualified voters of the district the
3 question of whether a maintenance tax is to be levied by the
4 district for the purpose of maintaining the projects, works,
5 structures, or improvements that the district is authorized to
6 construct, purchase, acquire, or improve.

7 (b) At the time the election is called, the board of
8 directors shall establish the maximum rate of tax that may be
9 levied and collected in a single year. The election shall be
10 called and held in the manner provided by Chapter 51, Water Code,
11 and the Election Code.

12 (c) A maintenance tax election may be held at the same time
13 as an election for the issuance of bonds or as a separate election.

14 (d) On the affirmative vote of a majority of the qualified
15 voters voting on a maintenance tax proposition at an election, the
16 district may levy a maintenance tax.

17 (e) The district may use funds obtained from the maintenance
18 tax to purchase easements and rights-of-way, for any of the
19 purposes for which the district can spend bond proceeds, and for
20 maintenance purposes.

21 (f) The district may deposit surplus maintenance taxes not
22 needed for maintenance purposes in the interest and sinking fund
23 for payment of the principal of and interest on outstanding bonds
24 of the district.

25 (g) A determination by the board of directors relating to
26 the expenditure of maintenance taxes is final and is not subject to

1 judicial review except for fraud, palpable error, or gross abuse of
2 discretion.

3 (h) The maintenance tax may not exceed a rate of 25 cents on
4 each \$100 of valuation of all property in the district.

5 SECTION 5.4. (a) District bonds are legal and authorized
6 investments for:

- 7 (1) banks;
- 8 (2) savings banks;
- 9 (3) trust companies;
- 10 (4) savings and loan associations;
- 11 (5) insurance companies;
- 12 (6) fiduciaries;
- 13 (7) trustees;
- 14 (8) guardians; and
- 15 (9) sinking funds of municipalities, counties, school
16 districts, and other political subdivisions of the state.

17 (b) The bonds are eligible to secure deposits of public
18 funds of the state and of municipalities, counties, school
19 districts, and other political subdivisions of the state. The
20 bonds are lawful and sufficient security for deposits to the extent
21 of their value if accompanied by all uninsured coupons.

22 SECTION 5.5. (a) The board of directors shall annually levy
23 and collect an ad valorem tax on taxable property in the district
24 at a rate sufficient to pay the principal of and interest on
25 outstanding bonds of the district and to create an interest and
26 sinking fund. The ad valorem tax rate may not exceed 50 cents on

1 each \$100 of valuation of all property in the district. The tax
2 must be approved by a majority of the qualified voters of the
3 district voting on the ad valorem tax proposition at an election
4 called and held for that purpose.

5 (b) On payment of all principal of and interest on bonds
6 issued by the district, if money remains in the interest and
7 sinking fund for that bond issue that is no longer required for the
8 liquidation of the bonds, the surplus funds together with any
9 uncollected and delinquent taxes that are collected from a tax levy
10 made in a previous year for liquidation of those bonds shall be
11 transferred to a capital improvement account on the books of the
12 district, and the funds in that account may be used by the board of
13 directors to pay for erection, construction, repair, and
14 improvement of the facilities of the district for which the
15 original bonds were issued.

16 SECTION 5.6. (a) The board of directors may issue without
17 voter approval certificates of indebtedness up to the maximum
18 amount of \$50,000 in a single calendar year. The certificates of
19 indebtedness shall bear interest at a rate determined by the board
20 of directors as practical and feasible and may have serial
21 maturities for not longer than 10 years.

22 (b) The board of directors shall pay the certificates of
23 indebtedness solely from excess income above the amount necessary
24 to pay current operating expenses, from surplus unpledged and
25 unallocated funds that remain in the interest and sinking fund of
26 the district if specific bonds are finally and completely

1 liquidated, and from delinquent taxes collected and to be collected
2 from tax levies for the servicing of bonds if those bonds are
3 completely liquidated.

4 (c) An order authorizing the issuance of certificates of
5 indebtedness that provides for payment in whole or in part from
6 excess funds from the district's operating fund, as a prerequisite
7 to the issuance of those certificates of indebtedness, shall
8 establish from the audits of the district for the preceding
9 five-year period before the date the certificates of indebtedness
10 are issued the amount of the surplus realized above operating costs
11 each year and must find that this amount if projected for the years
12 the certificates of indebtedness are outstanding and unpaid will be
13 sufficient to retire the certificates of indebtedness and all
14 interest on those certificates to the extent necessary under the
15 order authorizing the issuance of the certificates of indebtedness.

16 (d) The certificates of indebtedness may be issued for the
17 payment of obligations incurred for capital improvements and for
18 maintenance, improvement, and extension of the antipollution
19 systems of the district and for other plants, facilities,
20 improvements, roads, and other items to be used in operation of the
21 district.

22 ARTICLE VI. MISCELLANEOUS PROVISIONS RELATING TO DISTRICT

23 SECTION 6.1. In this Act, "peace officer" means the sheriff
24 of Lubbock County and any of his deputies, a member of the
25 Department of Public Safety, a Texas Ranger, any employee of the
26 Parks and Wildlife Department who serves as a peace officer for

1 that department, a constable of Lubbock County, an officer or
2 employee of the district who serves as a peace officer for the
3 district, and any member of a police force of a municipality inside
4 the boundaries of the district, if assisting a peace officer of the
5 district.

6 SECTION 6.2. Recognizing that peace officers of Lubbock
7 County, due to the pressure of their other law enforcement duties,
8 should not be depended on primarily for the enforcement of orders
9 and rules of the district and other law of the state applicable
10 inside the district, the general manager is a peace officer under
11 Article .2.12, Code of Criminal Procedure. The general manager of
12 the district may appoint one or more district employees as peace
13 officers for the district. An employee appointed as a peace
14 officer by the general manager is a peace officer under Article
15 2.12, Code of Criminal Procedure. The qualification and
16 compensation of peace officers appointed by the general manager and
17 the duration of service shall be established by order of the board
18 of directors.

19 SECTION 6.3. (a) A district peace officer shall execute a
20 bond for \$1,000, payable to the district, conditioned on the
21 faithful execution of the peace officer's duties for the district.
22 A bond may include any further conditions the board of directors
23 considers advisable. The bond must be approved by the board of
24 directors. The district shall pay for each bond.

25 (b) Each peace officer shall take the oath of office
26 prescribed by law for a sheriff.

1 SECTION 6.4. District peace officers may:

2 (1) make arrests if necessary to prevent or abate the
3 commission of an offense against the rules and orders of the
4 district and against state law if the offense or threatened offense
5 occurs on land, water, or easements owned or controlled by the
6 district; or

7 (2) make an arrest in case of an offense involving
8 injury or detriment to property owned or controlled by the
9 district.

10 SECTION 6.5. The district is not liable for any act of a
11 peace officer whether within or exceeding the scope of his lawful
12 authority, except in cases in which the officer is acting under
13 express authorization of the board of directors.

14 SECTION 6.6. Each peace officer appointed to act on behalf
15 of the district under this Act shall have a commission and a badge
16 furnished by the district as evidence of authority to act as peace
17 officer of the district.

18 SECTION 6.7. A district peace officer may be designated by a
19 title and required to wear, while engaged in his duties on behalf
20 of the district, a standard uniform that bears the insignia
21 prescribed by order of the board of directors.

22 SECTION 6.8. A peace officer may file specific complaints in
23 the appropriate justice, county, or district courts of Lubbock
24 County concerning offenses committed in violation of an order or
25 rule adopted by the board of directors or in violation of a state
26 or federal law.

1 SECTION 6.9. (a) Irrespective of the fact that the district
2 may charge an admission charge for entry on a lake, park, or
3 recreation facility that it maintains in connection with a lake,
4 dam, or other conservation project that it operates, all roads,
5 trails, parking grounds, and other facilities to which the public
6 has access and use are declared to be public places and are within
7 the jurisdiction of a person designated as a peace officer as
8 defined by Section 6.1 of this Act, and the peace officer may enter
9 the territory controlled by the district for the purpose of
10 conducting an investigation of a violation of any order or rule of
11 the district or a violation of a state or federal law.

12 (b) If the driver of a motor vehicle operating on a district
13 road violates the posted speed limit or otherwise violates an order
14 or rule of the district or a state law relating to the driving of
15 motor vehicles or is involved in an accident resulting in injury to
16 or death of a person, or total property damage to an apparent extent
17 of \$50 or more, an officer of the Department of Public Safety or
18 other peace officer shall investigate the violation or accident and
19 file any justifiable charges without regard to whether the
20 violation or accident occurred on a road of the district for which
21 a fee is charged for entry.

22 SECTION 6.10. Since the availability of recreation sites in
23 Lubbock County and the surrounding area is limited and since one of
24 the reasons for creating the district was to develop the Buffalo
25 Springs Lake area and make available to the greatest number of
26 people in that area recreational facilities as well as the control

1 of the floodwaters and conservation of the water supply in Lubbock
2 County, it is provided that the best interest of the public would
3 be served by restricting and limiting any individual, partnership,
4 club, association, corporation, or other legal entity to the lease
5 of only one recreational building site on land adjoining any lake,
6 dam, or other project that is controlled and operated by the
7 district.

8 SECTION 6.11. (a) The board of directors may prepare, file,
9 and amend plats and site plans and specifications, locating and
10 providing for recreational building sites, if the land is not
11 otherwise necessary for the regular use of the district, and lease
12 those sites on the terms and conditions and for the rentals the
13 board of directors may prescribe for the personal use only of the
14 lessee.

15 (b) The leasing of more than one recreational site by one
16 individual, partnership, club, association, corporation, or other
17 legal entity is prohibited as not being in the best interest of the
18 public of Lubbock County.

19 SECTION 6.12. The board of directors may adopt any order to
20 further regulate the use of any of the district's facilities by the
21 public and for the purpose of providing penalties for the violation
22 of this Act or of any order or rule.

23 ARTICLE VII. EXCEPTING ANY MATTERS IN LITIGATION

24 AT TIME OF ADOPTION OF ACT

25 SECTION 7.1. This Act may not be construed as validating any
26 governmental act or proceeding, if at the time this Act is adopted

1 the governmental act or proceeding was the subject of litigation
2 pending in a court of competent jurisdiction, if such litigation is
3 ultimately determined against the legality of that governmental act
4 or proceeding.

5 ARTICLE VIII. DISTRICT DECLARED ESSENTIAL

6 SECTION 8.1. The legislature declares that the enactment of
7 this statute fulfills a responsibility conferred on the legislature
8 by Article XVI, Section 59, of the Texas Constitution that provides
9 that the legislature pass appropriate laws to preserve and conserve
10 the natural resources of the state. The district is essential to
11 the accomplishment of that purpose.

12 SECTION 8.2. All of the land and other property included in
13 the boundaries of the district will be benefited by the works and
14 projects that are to be accomplished by the district under powers
15 conferred by Article XVI, Section 59, of the Texas Constitution.
16 The district is created to serve a public use and benefit.

17 SECTION 8.3. (a) The proper and legal notice of the
18 intention to introduce this Act, setting forth the general
19 substance of this Act, has been published as provided by law, and
20 the notice and a copy of this Act have been furnished to all
21 persons, agencies, officials, or entities to which they are
22 required to be furnished by the constitution and other laws of this
23 state, including the governor, who has submitted the notice and Act
24 to the Texas Water Commission.

25 (b) The Texas Water Commission has filed its recommendations
26 relating to this Act with the governor, lieutenant governor, and

1 speaker of the house of representatives within the required time.

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

6 SECTION 8.4. The importance of this legislation and the
7 crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended,
11 and that this Act take effect and be in force from and after its
12 passage, and it is so enacted.

S.B. No. 1715

W.P. Hobby
President of the Senate

Gil Lewis
Speaker of the House

I hereby certify that S.B. No. 1715 passed the Senate on May 15, 1989, by the following vote: Yeas 31, Nays 0; May 25, 1989, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 1989, House granted request of the Senate; May 29, 1989, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

Buttling
Secretary of the Senate

I hereby certify that S.B. No. 1715 passed the House, with amendments, on May 22, 1989, by the following vote: Yeas 141, Nays 1, one present not voting; May 28, 1989, House granted request of the Senate for appointment of Conference Committee; May 29, 1989, House adopted Conference Committee Report by a non-record vote.

Betty Murray
Chief Clerk of the House

Approved:

6-16-89
Date

H.P. Clement
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

7:45 pm O'CLOCK

JUN 16 1989

James D. ...
Secretary of State