

CHAPTER 301

H.B. No. 1491

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Llano Uplift Underground Water Conservation District.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Llano Uplift Underground Water Conservation District, is created in Llano County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Llano Uplift Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Llano County, Texas, excluding the territory contained within the municipal boundaries of the city of Sunrise Beach, the district boundaries of the Kingsland Municipal Utility District, and the district boundaries of the Lake L. B. J. Municipal Utility District as those boundaries exist on the effective date of this Act.

SECTION 4. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

SECTION 5. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters

50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

**SECTION 6. ELECTION OF DIRECTORS.** (a) The directors of the district shall be elected according to the single-member subdistrict method as provided by this Act.

(b) One director shall be elected from each single-member subdistrict by the electors of that subdistrict.

(c) A person shall indicate on the application for a place on the ballot the single-member subdistrict that the person seeks to represent.

(d) The board of directors shall revise each single-member subdistrict after each federal decennial census to reflect population changes. At the first election after the subdistricts are revised, a new director shall be elected from each subdistrict. The directors shall draw lots to determine which two directors shall serve two-year terms and which three directors shall serve four-year terms.

**SECTION 7. BOARD OF DIRECTORS.** (a) The district is governed by a board of five directors.

(b) A vacancy in the office of director shall be filled by appointment of the board until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

(c) To be eligible to serve as director, a person must be a registered voter in the precinct from which the person is elected or appointed if representing a precinct or in the district if representing the district at large.

**SECTION 8. SERVICE OF DIRECTORS.** (a) Temporary directors serve until initial directors are elected under Section 10.

(b) Initial directors serve until permanent directors are elected under Section 11.

(c) Permanent directors serve staggered four-year terms.

(d) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(e) A director serves until the director's successor has qualified.

**SECTION 9. TEMPORARY DIRECTORS.** (a) The temporary board of directors is composed of:

- (1) Dan Hoerster
- (2) Johnny Sawyer
- (3) Earl Edwards
- (4) Leroy Rode
- (5) Taylor Virdell

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

(c) The temporary board of directors shall establish five single-member voting subdistricts from which initial and permanent directors are elected.

**SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.** (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.

(b) A person, including a temporary director, who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the name of any candidate filing for the office of director as provided by Subsection (b) of this section placed on the ballot and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the person who receives the most votes in each voting subdistrict to be elected as director for that subdistrict. The district shall include the results of the directors' election in its election report to the Texas Water Commission.

(d) Section 41.001(a), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Sections 52.059(b)-(g), Water Code, and by the Election Code.

**SECTION 11. ELECTION OF DIRECTORS.** On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of the directors for two voting subdistricts, who shall each serve two-year terms, and for three voting subdistricts, who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

**SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.** (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

**SECTION 13. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 15, 1993, by a non-record vote; passed by the Senate on May 14, 1993: Yeas 29, Nays 0.

Approved May 27, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.