

CHAPTER 865

H.B. No. 792

AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, and annexation authority of the Hill Country Underground Water Conservation District; granting the power of eminent domain.

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

SECTION 1. CREATION OF DISTRICT. On approval at the election required by Section 6 of this Act, the Hill Country Underground Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

- (1) the organization of the district is feasible and practicable;
- (2) the land to be included in and the residents of the district will be benefited by the creation of the district;
- (3) there is a public necessity for the district; and
- (4) the creation of the district will further the public welfare.

SECTION 4. BOUNDARIES. The district is composed of all the territory located within Gillespie County.

SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the following persons are designated as temporary directors of the district:

- (1) Precinct 1—Desmond Sagebiel
- (2) Precinct 2—Richard Sechrist
- (3) Precinct 3—Warren Petsch
- (4) Precinct 4—Taylor Virdell, Jr.
- (5) At Large—Dan Hartman.

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the same qualifications as provided by Section 9 of this Act to fill the vacancy.

(c) The temporary directors shall select from their members persons to serve as chairman, vice-chairman, and secretary.

SECTION 6. CREATION ELECTION. (a) Not later than the 30th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 120th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.

(b) Section 41.001(a), Election Code, does not apply to an election called under this section.

(c) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of the Hill Country Underground Water Conservation District."

(d) If a majority of the votes cast at the election favor the creation of the district, the temporary directors shall declare the district created. If a majority of the votes cast at the election are against the creation of the district, the temporary directors shall declare the district defeated. The temporary directors shall file a copy of the election results with the Texas Water Commission.

(e) If the creation of the district is defeated, further elections may be called by the temporary directors to create the district, but another election to confirm creation of the district may not be called and held before the first anniversary of the most recent creation election. If the district is not created within five years after the effective date of this Act, this Act expires.

(f) Except as specifically provided by this section, an election under this section is governed by the Election Code.

SECTION 7. INITIAL DIRECTORS. (a) On approval of the creation of the district under Section 6 of this Act, the temporary directors become the permanent directors of the district and shall serve on the board of directors for terms as provided by Subsection (b) of this section.

(b) The persons serving as directors for Precincts 1 and 3 shall serve as directors until the first regular meeting of the board of directors following the first regular directors' election. The persons serving as directors for Precincts 2 and 4 and the director serving at large shall serve until the first regular meeting of the board of directors following the second regular directors' election.

SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. Unless expanded under Section 20(k) of this Act, the board of directors of the district is composed of five members as provided by Section 52.102, Water Code.

SECTION 9. QUALIFICATIONS OF BOARD MEMBERS. (a) To be qualified for election as a director, a person must be a resident of the district and must be at least 18 years of age.

(b) In addition to the requirements of Subsection (a) of this section, a person who is a director from a county commissioners precinct must be a resident of that precinct and a person who is a director from a specific territory annexed to the district must be a resident of that territory.

SECTION 10. ELECTION OF DIRECTORS. Beginning in the second year following the creation election, an election shall be held on the third Saturday in May every two years to elect the appropriate number of directors to the board.

SECTION 11. TERM OF OFFICE. Except for the initial directors of the district, directors shall serve for terms of four years.

SECTION 12. APPLICATION OF CHAPTER 52, WATER CODE. Except to the extent of any conflict with this Act or as specifically limited by this Act, the district is governed by and subject to and may exercise the powers granted, shall exercise the duties, and may issue bonds and levy and collect taxes as provided by Chapter 52, Water Code.

SECTION 13. RECLAMATION. The district may reclaim land within the district and may construct necessary works, facilities, and improvements to accomplish this purpose.

SECTION 14. SOIL CONSERVATION AND IMPROVEMENT; TERRACING. The district may construct and maintain terraces and other structures on land in the district

and may engage in and promote land treatment measures for soil conservation and improvement.

SECTION 15. INPUT WELLS. The district may drill, equip, operate, and maintain input wells, pumps, and other facilities to carry out its purpose and powers under this Act.

SECTION 16. ACQUISITION OF PROPERTY. The district may acquire by gift, grant, devise, lease, purchase, or the power of eminent domain any land or other property necessary to carry out this Act.

SECTION 17. SALE AND DISPOSAL OF PROPERTY. Subject to this Act and Chapter 52, Water Code, the district may sell or otherwise dispose of land and other property of the district that is not necessary to carry out the purpose or powers of the district as determined by the board.

SECTION 18. APPEARANCE BEFORE RAILROAD COMMISSION. The district through the members of its board or its general manager may appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit application for an injection well to be located within the district.

SECTION 19. PROHIBITED ACTIONS. The district may not enter into any contract or engage in any action to supply underground water inside or outside the district.

SECTION 20. ANNEXATION OF TERRITORY. (a) The board may annex territory to the district in the manner provided by this section.

(b) To initiate annexation proceedings, a petition requesting the board to call an annexation election for a designated territory must be submitted to the board. The petition must be in writing, must define the territory to be annexed, and must be signed by not fewer than 50 percent of the persons residing in the territory to be annexed according to the most recent federal census.

(c) On receipt of a petition under Subsection (b) of this section, the board shall set a date for a hearing on the petition. The date set for the hearing may not be later than the 20th day after the date on which the petition is received by the board.

(d) The board shall publish notice of the place, time, date, and purpose of the hearing in one or more newspapers with general circulation in the district and in the territory to be annexed.

(e) At the hearing, any person may present testimony for or against annexation of the territory to the district.

(f) At the conclusion of the hearing, the board shall determine if an election should be held in the district and the territory to be annexed to determine whether the territory should be annexed.

(g) If the board determines that an election should be held, it shall issue an order calling separate elections to be held in the district and in the territory to be annexed to determine if the territory should be annexed to the district. The board must hold the elections on the same day at the next uniform election date following the date of the order.

(h) If the board determines that an election should not be held, it shall issue an order denying the petition.

(i) The ballots for the election shall be printed to provide for voting for or against the proposition: "The inclusion of _____ (briefly describe the territory to be annexed) in the Hill Country Underground Water Conservation District, and assumption by the described territory of a proportional share of the outstanding indebtedness of the district."

(j) If a majority of the voters in the district and a majority of the voters in the territory to be annexed voting on the proposition vote in favor of the proposition, the territory is annexed to the district, and the board shall issue a declaration to that effect. If a majority of the voters in either or both the district and the territory to be annexed voting on the proposition vote against annexing the territory to the district, the territory is not annexed to the district, and the board shall issue a declaration to that effect. The

board shall file a copy of the election results and declaration with the Texas Water Commission.

(k) If the territory is annexed to the district, the territory is entitled to be represented by one director on the board, and one director shall be added to the board for that purpose. The initial director representing a territory under this section shall be appointed by the board and shall serve until the first regular meeting of the board following the first regular election of directors subsequent to the annexation of the territory to the district.

SECTION 21. 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 30, 1987, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 792 was transmitted to the Governor on February 16, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on March 3, 1987. Passed by the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.