

CHAPTER 992

S.B. No. 1518

AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, and annexation authority of the Anderson County Underground Water Conservation District.

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

SECTION 1. DEFINITIONS. In this Act:

- (1) "District" means the Anderson County Underground Water Conservation District.
- (2) "Board" means the district's board of directors.

SECTION 2. CREATION OF DISTRICT. Subject to approval at an election required by Section 11 of this Act, the Anderson County Underground Water Conservation District is created under the authority of Article XVI, Section 59, of the Texas Constitution.

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

- (1) the creation of the district is feasible and practicable;
- (2) the district will be a benefit to the land contained within the boundaries of the district;
- (3) there is a public necessity for the district; and
- (4) the district will provide a benefit and utility to the public.

SECTION 4. BOUNDARIES. The district shall include all of the area contained within the following described area:

BEGINNING at the intersection of the center line of U. S. Highway No. 287 with the center line of State Highway No. 19.

THENCE in a Northwesterly direction following the center line of U. S. Highway No. 287 to the intersection of the center line of F. M. Road No. 321.

THENCE in a Northeasterly direction following the center line of F. M. Road No. 321 to the intersection of the center line of State Highway No. 19.

THENCE in an Easterly direction continuing with the center line of F. M. Road No. 321 to the intersection of the center line of F. M. Road No. 315.

THENCE in a Southerly direction following the center line of F. M. Road No. 315 to the intersection of the North line of the Taylor S. Barnes Survey, A—6, and the South line of the Peter Hinds Survey, A—368.

THENCE in a Westerly direction with the South line of the Peter Hinds Survey, A—368, the North line of the Taylor S. Barnes Survey, A—6, to the Southwest corner of the Peter Hinds Survey, A—368, and the Northwest corner of the Taylor S. Barnes Survey, A—6, in the East line of the William Kimbro Survey, A—34.

THENCE in a Southerly direction with the East line of the William Kimbro Survey, A—34, and the West line of the Taylor S. Barnes Survey, A—6, to the Southeast corner of the North half of the William Kimbro Survey, A—34, as partitioned in Volume E, page 525 of the Deed Records of Anderson County, Texas.

THENCE in a Westerly direction with the division line of the William Kimbro Survey, A—34, to the Southwest corner of said North half in the West line of the William Kimbro Survey, A—34, and the East line of the George Hanks Survey, A—369.

THENCE in a Southerly direction with the East line of the George Hanks Survey, A—369, and the West line of the William Kimbro Survey, A—34, to the center line of State Highway No. 19.

THENCE in a Southeasterly direction following the center line of State Highway No. 19 to the place of beginning.

SECTION 5. APPLICATION OF CHAPTER 52, WATER CODE; GENERAL POWERS AND DUTIES. 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 Chapter 52, Water Code, and has all the powers, duties, authorities, and responsibilities provided by Chapter 52, Water Code, except the authority to issue bonds and levy taxes under Subchapters G and H, Chapter 52, Water Code.

SECTION 6. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the following persons are designated as temporary directors of the district:

- (1) Oren Williams
- (2) Joe Grumbles, Sr.
- (3) Dickie Douglas
- (4) Bill Green
- (5) Wayne Barrett
- (6) Robert Humphrey
- (7) Hugh Dublin, Jr.
- (8) Roland Higginbotham, Sr.
- (9) Delia Ricard

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the qualifications as provided by Section 7 of this Act.

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

(d) The temporary directors shall serve until their successors are elected and have qualified.

SECTION 7. QUALIFICATIONS OF DIRECTORS. To be qualified for election as a director, a person must be:

- (1) a resident of the district or proposed district;
- (2) at least 18 years of age; and
- (3) not otherwise disqualified by Section 50.026, Water Code.

SECTION 8. COMPOSITION OF BOARD. The board of the district is composed of nine members.

SECTION 9. 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 10. TERM OF OFFICE. (a) Except for the initial directors of the district, directors shall serve four-year terms of office.

(b) The five initial directors receiving the highest number of votes at the confirmation election shall serve as directors until the five persons elected at the second regular directors' election have qualified, and the other four initial directors shall serve until the four persons elected at the first regular directors' election have qualified. After the

second regular directors' election, four directors shall be elected at one election and five at the next election in continuing sequence.

SECTION 11. CREATION ELECTION. (a) Not later than the 60th 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) Subsection (a), Section 41.001, Election Code, does not apply to an election called under this section.

(c) The propositions to be voted on shall include the question of whether the establishment of the district is confirmed and the election of the board.

(d) The temporary directors shall publish notice of the election two times in one or more newspapers of general circulation within the boundaries of the proposed district. The notice must be published not later than the 30th day and the 10th day preceding the date of the election.

(e) Returns of the election shall be made to the temporary directors who shall canvass the returns and declare the results of the election.

(f) If the creation of the district is defeated, all of the propositions relating to the district are defeated and another election may not be called and held during the 12-month period immediately following the date on which the most recent election on the proposition or propositions was held. If the district is not created within five years after the effective date of this Act, this Act expires.

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

SECTION 12. ADDITIONAL RIGHTS AND POWERS. (a) The district may prohibit the pumping or use of groundwater if the district determines that the pumping would present an unreasonable risk of pollution.

(b) The district may limit the pumping of groundwater to uses determined by the board to benefit the district.

(c) The district may require persons holding a permit for an injection well to purchase water from the district.

(d) The district may adopt regulations for the disposal of salt dome leachate in the district or may require disposal of salt dome leachate outside the district.

SECTION 13. QUORUM. (a) A majority of the members of the board constitutes a quorum, and all regular directors have a vote.

(b) The district shall act and proceed by resolution adopted by the board, and an affirmative vote of a majority of the board is necessary to adopt any resolution.

SECTION 14. NOTICE OF MEETINGS. The board must publish notice in a newspaper of general circulation in the district not later than the fifth day before the date the board is scheduled to meet.

SECTION 15. WELL FEE. (a) The district shall impose a fee on each water well at the time a permit is first issued and the district may impose an annual fee on each well.

(b) The amount of a well fee imposed by the district must be set according to:

- (1) the size of the column pipe used in the water well;
- (2) the production capacity of the well; or
- (3) the amount of water produced.

(c) The board shall adopt rules relating to the rates for the fee.

(d) The district may adopt rules classifying the types of uses made of groundwater in the district and may use the classifications to determine, in part, the amount of fees to be imposed under this section.

(e) The money collected from fees may be used by the district to manage and operate the district.

SECTION 16. DISSOLUTION OF DISTRICT. The district may be dissolved as provided by Subchapter P, Chapter 51, Water Code.

SECTION 17. NOTICE, ETC. The legislature finds that 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 laws of this state, including the Governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that 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. 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 have been fulfilled and accomplished.

SECTION 18. 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 the Senate on May 15, 1987, by the following vote: Yeas 24, Nays 6. Passed the House on May 26, 1987, by the following vote: Yeas 130, Nays 8, two present not voting.

Approved June 19, 1987.

Effective June 19, 1987.