

1987 FEB 24 PM 4:14  
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of H.B. 792, which was filed of record on FEB 16 1987 and referred to the committee on: Natural Resources

FILED FEB 16 1987

*Betty Murray*  
Chief Clerk of the House

By *Gerstweidt*

H.B. No. 792

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation, administration, powers, duties,  
3 operations, fiscal procedures, eminent domain authority, bond,  
4 note, and tax authority, and annexation authority of the Gillespie  
5 County Underground Water Conservation District.

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

7 SECTION 1. CREATION OF DISTRICT. On approval at the  
8 election required by Section 6 of this Act, the Gillespie County  
9 Underground Water Conservation District is created under Article  
10 XVI, Section 59, of the Texas Constitution.

11 SECTION 2. DEFINITION. In this Act, "district" means the  
12 Gillespie County Underground Water Conservation District.

13 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds  
14 that:

15 (1) the organization of the district is feasible and  
16 practicable;

17 (2) the land to be included in and the residents of the  
18 district will be benefited by the creation of the district;

19 (3) there is a public necessity for the district; and

20 (4) the creation of the district will further the public  
21 welfare.

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

24 SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date

1 of this Act, the following persons are designated as temporary  
2 directors of the district:

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

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

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

14 SECTION 6. CREATION ELECTION. (a) Not later than the 30th  
15 day after the effective date of this Act, the temporary directors  
16 shall meet and shall call an election to be held not later than the  
17 120th day after the effective date of this Act within the  
18 boundaries of the proposed district to approve the creation of the  
19 district.

20 (b) In the order calling the election, the temporary  
21 directors shall designate election precincts and polling places for  
22 the election.

23 (c) The temporary directors shall publish notice of the  
24 election at least one time in a newspaper or newspapers that have  
25 general circulation within the boundaries of the proposed district.  
26 The notice must be published before the 30th day preceding the date  
27 of the election.

1 (d) The ballot for the election must be printed to provide  
2 for voting for or against the proposition: "The creation of the  
3 Gillespie County Underground Water Conservation District."

4 (e) Immediately after the election, the presiding judge of  
5 each polling place shall deliver the returns of the election to the  
6 temporary directors, and the temporary directors shall canvass the  
7 returns and declare the result.

8 (f) If a majority of the votes cast at the election favor  
9 the creation of the district, the temporary directors shall declare  
10 the district created and shall enter the results in their minutes.  
11 If a majority of the votes cast at the election are against the  
12 creation of the district, the temporary directors shall declare the  
13 district defeated and shall enter the results in their minutes.  
14 The temporary directors shall file a copy of the election results  
15 with the Texas Water Commission.

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

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

27 (b) The persons serving as directors for Precincts 1 and 3

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

7 SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. (a) Unless  
8 expanded under Section 48(1) of this Act, the board of directors of  
9 the district is composed of five members.

10 (b) Except as provided by Section 48(1) of this Act, one  
11 director shall be elected from the district at large and one  
12 director shall be elected from each county commissioners precinct.

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

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

21 SECTION 10. ELECTION OF DIRECTORS. Beginning in the second  
22 year following the creation election, an election shall be held on  
23 the first Saturday in April every two years to elect the  
24 appropriate number of directors to the board.

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

1           SECTION 12. BEGINNING OF DIRECTOR'S TERM. A director takes  
2 office at the first regular meeting of the board in April following  
3 election to the board.

4           SECTION 13. VACANCY ON BOARD. A vacancy on the board is  
5 filled by appointment of the remaining members of the board for the  
6 unexpired term.

7           SECTION 14. OATH. Each director shall take the  
8 constitutional oath of office required of state officers.

9           SECTION 15. COMPENSATION. Each director is entitled to  
10 receive for his services not more than \$50 a day for each day  
11 actually engaged in duties for the district.

12           SECTION 16. ORGANIZATION OF BOARD. (a) After each  
13 directors' election, the board shall hold a regular meeting at the  
14 district office and shall organize by electing from the members of  
15 the board one person to serve as chairman, one person to serve as  
16 vice-chairman, and one person to serve as secretary.

17           (b) A person selected to serve as chairman, vice-chairman,  
18 or secretary serves in that capacity for a term of two years.

19           (c) The chairman shall preside over meetings of the board,  
20 and in his absence, the vice-chairman shall preside.

21           (d) The chairman, vice-chairman, and secretary shall perform  
22 the duties and may exercise the powers specifically given them by  
23 this Act or by orders of the board.

24           SECTION 17. QUORUM. A majority of the members of the board  
25 constitute a quorum for the transaction of business of the  
26 district, but no official action of the board is valid without the  
27 affirmative vote of a majority of the members of the board.

1 SECTION 18. OTHER OFFICERS. (a) The board shall appoint  
2 persons to serve as treasurer and attorney for the district.

3 (b) The persons appointed under this section are entitled to  
4 the compensation provided by the district's budget.

5 (c) The person appointed as treasurer shall execute a bond  
6 in the amount determined by the board, payable to the district,  
7 conditioned on the faithful performance of the treasurer's duties.  
8 The district shall pay for the bond.

9 SECTION 19. GENERAL MANAGER. (a) The board may employ a  
10 general manager to be the chief administrative officer of the  
11 district and may delegate to him full authority to manage and  
12 operate the affairs of the district subject only to orders of the  
13 board.

14 (b) The general manager shall execute a bond in the amount  
15 determined by the board, payable to the district, and conditioned  
16 on the faithful performance of the general manager's duties. The  
17 district shall pay for the bond.

18 (c) The general manager is entitled to receive the  
19 compensation provided by the district's budget.

20 SECTION 20. ENGINEER. The board may appoint or contract  
21 with a competent professional engineer for the district and may  
22 determine the amount of compensation to be paid to the engineer.

23 SECTION 21. PERSONNEL. (a) The general manager or the  
24 board may employ other persons necessary for the proper handling of  
25 the business and operation of the district and may employ or  
26 contract with expert and specialized personnel who are necessary to  
27 carry out this Act.

1 (b) The board shall determine the terms of employment and  
2 the compensation to be paid to employees under this section.

3 (c) The general manager or a majority of the members of the  
4 board may dismiss an employee of the district.

5 (d) The board shall require each employee or person under  
6 contract to the district who collects, pays, or handles any funds  
7 of the district to furnish a bond, payable to the district, for an  
8 amount sufficient to protect the district from financial loss  
9 resulting from actions of the employee or other person. Each bond  
10 shall be conditioned on the faithful performance of the employee's  
11 or person's duties and on accounting for all money and property of  
12 the district in his hands. The district shall pay for each bond.

13 SECTION 22. OFFICE. The board shall maintain an office  
14 within the boundaries of the district for conducting the business  
15 of the district.

16 SECTION 23. MEETINGS OF BOARD. The board shall hold regular  
17 meetings at the district's office at least quarterly on a date  
18 established by rule of the board and other meetings as considered  
19 necessary on call of the chairman.

20 SECTION 24. MINUTES AND RECORDS. (a) The board shall keep  
21 a complete written account of all its meetings and other  
22 proceedings and shall preserve its minutes, contracts, records,  
23 plans, notices, accounts, receipts, and records of all kinds in a  
24 secure manner at the district's office.

25 (b) Minutes, contracts, records, plans, notices, accounts,  
26 receipts, and other records are the property of the district and  
27 are subject to public inspection.

1           SECTION 25. CONTRACTS.   The board may enter into contracts  
2 as provided by Chapter 51, Water Code, and those contracts shall be  
3 executed by the board in the name of the district.

4           SECTION 26. SUPERVISION OF DISTRICT.   The district is  
5 subject to the continuing right of supervision by the state, to be  
6 exercised by the Texas Water Commission under this Act and the  
7 Water Code.

8           SECTION 27. SUITS; PAYMENT OF JUDGMENTS. (a) The district  
9 may, through its board, sue and be sued in any court of this state  
10 in the name of the district. Service of process in a suit may be  
11 had by serving the general manager.

12           (b) The courts of this state shall take judicial notice of  
13 the creation of the district.

14           (c) A court of this state that renders a money judgment  
15 against the district may require the board to pay the judgment from  
16 money in the district depository that is not dedicated to the  
17 payment of any indebtedness of the district.

18           SECTION 28. SEAL.   The board shall adopt a seal for the  
19 district.

20           SECTION 29. PURPOSE OF DISTRICT.   The district is created to  
21 provide for the conservation, preservation, protection, recharge,  
22 and prevention of waste and pollution of the underground water of  
23 the district consistent with the objectives of Article XVI, Section  
24 59, of the Texas Constitution, and Chapter 52, Water Code.

25           SECTION 30. RULES.   The board may adopt rules that are  
26 necessary to carry out the purpose and powers under this Act and  
27 may enforce those rules by injunction, mandatory injunction, or

1 other appropriate remedies in a court of competent jurisdiction.

2 SECTION 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE.

3 Except to the extent of any conflict with this Act or as  
4 specifically limited by this Act, the district may exercise the  
5 powers granted and shall exercise the duties under Subchapter E,  
6 Chapter 52, Water Code, to carry out the purpose of the district  
7 and this Act.

8 SECTION 32. LIMITATION ON PERMIT AUTHORITY. If the district

9 regulates production of underground water by permit as authorized  
10 by Chapter 52, Water Code, the board may not deny a permit to drill  
11 a well to the owner of land, his heirs, assigns, and lessees on his  
12 land and the right to produce water from that well under rules  
13 adopted by the district.

14 SECTION 33. STUDIES AND SURVEYS. The board may have

15 professional engineers make studies and surveys of the underground  
16 water supply within the district and the facilities available for  
17 use in the conservation, preservation, protection, recharge, and  
18 prevention of waste and pollution of that water. The professional  
19 engineers also may determine the quantity of underground water in  
20 the district.

21 SECTION 34. PLANS AND SPECIFICATIONS. The district may

22 develop and implement comprehensive plans for the conservation,  
23 preservation, protection, recharge, and prevention of waste and  
24 pollution of underground water within the district. The plans may  
25 include all works, facilities, and improvements necessary to  
26 implement the plans and the specifications for those works,  
27 facilities, and improvements.

1           SECTION 35. RESEARCH; INFORMATION. The district may engage  
2 in research projects and may develop information to be used by the  
3 district in preparing and implementing its plans and in carrying  
4 out its powers and duties under this Act.

5           SECTION 36. RECLAMATION. The district may reclaim land  
6 within the district and may construct necessary works, facilities,  
7 and improvements to accomplish this purpose.

8           SECTION 37. SOIL CONSERVATION AND IMPROVEMENT; TERRACING.  
9 The district may construct and maintain terraces and other  
10 structures on land in the district and may engage in and promote  
11 land treatment measures for soil conservation and improvement.

12           SECTION 38. ACQUISITION AND CONSTRUCTION OF WORKS,  
13 FACILITIES, AND IMPROVEMENTS. (a) The district may construct or  
14 acquire and improve and maintain works, facilities, and  
15 improvements necessary to carry out the purpose, powers, and plans  
16 of the district.

17           (b) The district shall construct and acquire works,  
18 facilities, and improvements in the manner provided by Chapter 51,  
19 Water Code, for water control and improvement districts.

20           SECTION 39. INPUT WELLS. The district may drill, equip,  
21 operate, and maintain input wells, pumps, and other facilities to  
22 carry out its purpose and powers under this Act.

23           SECTION 40. ACQUISITION OF PROPERTY. The district may  
24 acquire by gift, grant, devise, lease, purchase, or the power of  
25 eminent domain any land or other property necessary to carry out  
26 this Act.

27           SECTION 41. EMINENT DOMAIN. (a) The district may exercise

1 the power of eminent domain to acquire a fee simple or other  
2 interest in property located inside the district if the property  
3 interest is necessary to the exercise of the authority conferred by  
4 this chapter.

5 (b) The district must exercise the power of eminent domain  
6 in the manner provided by Chapter 21, Property Code, but the  
7 district is not required to deposit in the trial court money or a  
8 bond as provided by Section 21.021(a), Property Code.

9 (c) In an eminent domain proceeding brought by a district,  
10 the district is not required to pay in advance or give bond or  
11 other security for costs in the trial court, to give bond for the  
12 issuance of a temporary restraining order or a temporary  
13 injunction, or to give bond for costs or supersedeas on an appeal  
14 or writ of error.

15 (d) In exercising the power of eminent domain, if the  
16 district requires relocating, raising, lowering, rerouting,  
17 changing the grade, or altering the construction of any railroad,  
18 highway, pipeline, or electric transmission and electric  
19 distribution, telegraph, or telephone lines, conduits, poles, or  
20 facilities, the district must bear the actual cost of relocating,  
21 raising, lowering, rerouting, changing the grade, or altering the  
22 construction to provide comparable replacement without enhancement  
23 of facilities after deducting the net salvage value derived for the  
24 old facility.

25 SECTION 42. SALE AND DISPOSAL OF PROPERTY. Subject to this  
26 Act and Chapter 52, Water Code, the district may sell or otherwise  
27 dispose of land and other property of the district that is not

1 necessary to carry out the purpose or powers of the district as  
2 determined by the board.

3 SECTION 43. APPEARANCE BEFORE RAILROAD COMMISSION. The  
4 district through the members of its board or its general manager  
5 may appear before the Railroad Commission of Texas and present  
6 evidence and information relating to any pending permit application  
7 for an injection well to be located within the district.

8 SECTION 44. PROHIBITED ACTIONS. The district may not enter  
9 into any contract or engage in any action to supply underground  
10 water inside or outside the district.

11 SECTION 45. PROTECTION OF WATER RIGHTS. The ownership and  
12 rights of the owner of land, his lessees, and assigns in  
13 underground water are recognized and this Act does not deprive or  
14 divest the owner, his lessees, and assigns of those ownership  
15 rights.

16 SECTION 46. GENERAL FISCAL DUTIES AND AUTHORITY. The  
17 district may exercise the powers and shall exercise the duties  
18 provided by Subchapter F, Chapter 52, Water Code.

19 SECTION 47. BOND AND NOTE AND TAX AUTHORITY. The district  
20 may issue and sell bonds and notes and may levy and collect taxes  
21 as provided by Subchapters G and H, Chapter 52, Water Code.

22 SECTION 48. ANNEXATION OF TERRITORY. (a) The board may  
23 annex territory to the district in the manner provided by this  
24 section.

25 (b) To initiate annexation proceedings, a petition  
26 requesting the board to call an annexation election for a  
27 designated territory must be submitted to the board. The petition

1 must be in writing, must define the territory to be annexed, and  
2 must be signed by not fewer than 50 percent of the persons residing  
3 in the territory to be annexed according to the most recent federal  
4 census.

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

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

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

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

18 (g) If the board determines that an election should be held,  
19 it shall issue an order calling separate elections to be held in  
20 the district and in the territory to be annexed to determine if the  
21 territory should be annexed to the district. The board must hold  
22 the elections on the same day. In the election order, the board  
23 shall designate election precincts and polling places for the  
24 elections.

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

27 (i) If an election is called, the board shall give notice of

1 the election and the proposition to be voted on by publishing  
2 notice at least one time in one or more newspapers with general  
3 circulation in the district and the territory to be annexed. The  
4 notice must be published before the 30th day preceding the date set  
5 for the election.

6 (j) The ballots for the election shall be printed to provide  
7 for voting for or against the proposition: "The inclusion of  
8 \_\_\_\_\_ (briefly describe the territory to be  
9 annexed) in the Gillespie County Underground Water Conservation  
10 District, and assumption by the described territory of a  
11 proportional share of the outstanding indebtedness of the  
12 district."

13 (k) Immediately after the election, the presiding judge of  
14 each polling place shall deliver the returns of the election to the  
15 board, and the board shall canvass the returns of the election in  
16 the district and the returns of the election in the territory to be  
17 annexed separately and declare the results. If a majority of the  
18 voters in the district and a majority of the voters in the  
19 territory to be annexed voting on the proposition vote in favor of  
20 the proposition, the territory is annexed to the district, and the  
21 board shall issue a declaration to that effect. If a majority of  
22 the voters in either or both the district and the territory to be  
23 annexed voting on the proposition vote against annexing the  
24 territory to the district, the territory is not annexed to the  
25 district, and the board shall issue a declaration to that effect.  
26 The board shall file a copy of the election results and declaration  
27 with the Texas Water Commission.

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

9           SECTION 49. EMERGENCY. The importance of this legislation  
10 and the crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended,  
14 and that this Act take effect and be in force from and after its  
15 passage, and it is so enacted.

# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS,  
COUNTY OF GILLESPIE

On this 15th day of January 19 87  
personally appeared before me the undersigned authority,

William A. Pickett

who states that he is the ~~editor, business manager~~, advertising manager of the Fredericksburg Standard-Radio Post, published at Fredericksburg, Texas, Gillespie County, and upon being duly sworn by me on oath states that the attached advertisement is a true and correct copy of the advertising published in said newspaper in 1 consecutive issues thereof, on the following dates:

1-14-87

William A. Pickett

(~~Editor,~~ ~~Bus. Mgr.,~~ Adv. Mgr.)

Subscribed and sworn to before me this the 15th

day of January A.D. 19 87

Nathan W. Crenwelge

Notary Public in and for Gillespie County, Texas

(SEAL)

NATHAN W. CRENWELGE  
COMMISSION EXPIRES 8-30-90

## NOTICE

This is to give notice of intent to introduce in the 70th Legislature, Regular Session, a bill to be entitled an Act "relating to creation of the Gillespie Co. Underground Water District."

27

RECEIVED

HOUSE OF REPRESENTATIVES  
RECORDS AND CLERK  
JAN 16 1987

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

TO: The Honorable William P. Clements, Jr.  
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the ~~the~~ Texas Water Commission <sup>Commission</sup> copies of House Bill No. 792, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Water Development Board, under Section 59(d), Article XVI, Constitution of the State of Texas.

FEB 16 1987

Date transmitted to  
Governor's Office

  
Betty Murray, Chief Clerk  
House of Representatives

TO: ~~the~~ Texas Water Commission

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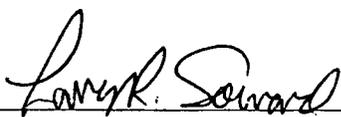
TO: The Honorable Gibson D. "Gib" Lewis  
Speaker of the House

The Honorable William P. Hobby  
President of the Senate

The Honorable William P. Clements, Jr.  
Governor of Texas

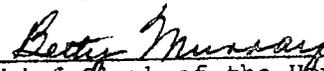
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Attached are the recommendations of the ~~the~~ Texas Water Commission on House Bill No. 792, in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

  
Larry R. Soward  
Executive Director

I certify this document to be a  
true and correct copy of the Texas  
Water Commission recommendations on

H.B. # 792

  
Chief Clerk of the House

By Geistweidt

H.B. No. 792

Substitute the following for H.B. No. 792:

By Harris of Brazoria

C.S.H.B. No. 792

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16 120th day after the effective date of this Act within the  
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19 (b) Section 41.001(a), Election Code, does not apply to an  
20 election called under this section.

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6 district, but another election to confirm creation of the district  
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8 recent creation election. If the district is not created within  
9 five years after the effective date of this Act, this Act expires.

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17 territory is entitled to be represented by one director on the  
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C.S.H.B. No. 792

1 days in each house be suspended, and this rule is hereby suspended,  
2 and that this Act take effect and be in force from and after its  
3 passage, and it is so enacted.



BILL ANALYSIS

Background

The residents of Gillespie County formed a steering committee to investigate the feasibility of an underground water conservation district, and voted to have the legislature create the proposed Hill Country Underground Water Conservation District. Gillespie County is one of the areas listed as a possible critical groundwater area in a recently released study by the Texas Water Commission and the Texas Water Development Board. Groundwater problems in this area are mostly due to heavy pumping pressure resulting in water level declines, but water quality is also a problem. Groundwater districts have proven to be the most effective means of conserving groundwater.

Purpose of the Bill

This bill would create the Hill Country Underground Water Conservation District under Article XVI, Section 59, of the Texas Constitution.

Section by Section Analysis

- SECTION 1 Provides for creation of the Hill Country Underground Water Conservation District subject to a confirmation election.
- SECTION 2 Defines "district".
- SECTION 3 States legislative findings.
- SECTION 4 Sets boundaries coterminous with Gillespie County.
- SECTION 5 Names the initial directors and provides for selection of officers.
- SECTION 6 Provides for the creation election.
- SECTION 7 Provides that the temporary board becomes the permanent board upon creation of the district; provides for staggered terms.
- SECTION 8 Defines the composition of the Board of Directors.
- SECTION 9 Provides for the qualifications of the Board members.
- SECTION 10 Calls for election of directors.
- SECTION 11 Sets term of office for directors.
- SECTION 12 Provides that the district is governed by Chapter 52, Water Code, with certain exceptions.
- SECTION 13 Provides that the district may reclaim land.

- SECTION 14 Provides that the district may engage in certain acts for the purpose of soil conservation.
- SECTION 15 Provides that the district may drill and operate input wells.
- SECTION 16 Allows district to acquire property through all ordinary means as well as eminent domain.
- SECTION 17 Provides that the district may sell or dispose of property subject to Chapter 52, Water Code, and this Act.
- SECTION 18 Allows board to appear before the Texas Railroad Commission to testify on any injection well permit application involving land within the district.
- SECTION 19 Provides that the Board may not contract to supply underground water.
- SECTION 20 Allows the district to act upon a petition requesting it to annex additional territory, with requirements for hearings and notice, and providing for the method of representation for the annexed area. Requires the Board to publish notice of the election in local newspapers thirty (30) days prior to election, and that both the area to be annexed and the district hold separate elections.
- SECTION 21. Emergency Clause

#### Rulemaking Authority

It is the opinion of this committee that this bill does delegate rulemaking authority to the underground water district created by this act.

#### Summary of Committee Action

Public notice was posted in accordance to the rules and a public hearing was held on Wednesday, March 4, 1987. The bill was referred to subcommittee consisting of the following members:

Representative Yost, Chair  
Representative Harris  
Representative Russell  
Representative Holzheuser  
Representative T. Smith

Public notice was posted in accordance to the rules and public hearing was held on March 31, 1987. On April 21, 1987, the subcommittee met in a formal meeting and voted to report the measure as substituted.

On April 22, 1987, the full committee voted to report HB 792 to the House as substituted with a recommendation that it do pass and be placed on the Local Calendar by a record vote of 6 ayes, zero nays and zero present, not voting.

Comparison of the Original Bill to the Substitute

The substitute bill changes the name of the district from Gillespie County to Hill Country Underground Water Conservation District. The rest of the substitute was a nonsubstantive revision of the bill which grants most of the powers and duties of the district by referencing Chapter 52, Water Code.

The following person testified in favor of HB 792:

James Taylor Virdell, Jr.  
Water Well Contractor

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

February 26, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 792  
By: Geistweidt

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 792 (relating to the creation, administration, powers, duties, operations, fiscal procedures, eminent domain authority, bond, note, and tax authority, and annexation authority of the Gillespie County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment is required by the rules of the House as to its probable impact on units of local government.

Source: LBB Staff: JO, HES, JWH, BDT, AF

**ADOPTED**

APR 30 1987

*Betty Murray*  
Chief Clerk  
House of Representatives

By Geistweidt

H.B. No. 792

Substitute the following for H.B. No. 792:

By *A. Harris of Brazoria*

C.S.H.B. No. 792

A BILL TO BE ENTITLED

AN ACT

1 relating to the creation, administration, powers, duties,  
2 operations, fiscal procedures, and annexation authority of the  
3 Hill Country Underground Water Conservation District.  
4

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

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8 Underground Water Conservation District is created under Article  
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11 Hill Country Underground Water Conservation District.

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13 that:

14 (1) the organization of the district is feasible and  
15 practicable;

16 (2) the land to be included in and the residents of the  
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18 (3) there is a public necessity for the district; and

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1 directors of the district:

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C.S.H.B. No. 792

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# HOUSE ENGROSSMENT

1987 MAY -1 AM 9:04  
HOUSE OF REPRESENTATIVES

By Geistweidt

H.B. No. 792

## A BILL TO BE ENTITLED

### AN ACT

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25 section.

26 (b) To initiate annexation proceedings, a petition  
27 requesting the board to call an annexation election for a

1 designated territory must be submitted to the board. The petition  
2 must be in writing, must define the territory to be annexed, and  
3 must be signed by not fewer than 50 percent of the persons residing  
4 in the territory to be annexed according to the most recent federal  
5 census.

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

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

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

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

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

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

27 (i) The ballots for the election shall be printed to provide

1 for voting for or against the proposition: "The inclusion of  
2 \_\_\_\_\_ (briefly describe the territory to be  
3 annexed) in the Hill Country Underground Water Conservation  
4 District, and assumption by the described territory of a  
5 proportional share of the outstanding indebtedness of the  
6 district."

7 (j) If a majority of the voters in the district and a  
8 majority of the voters in the territory to be annexed voting on the  
9 proposition vote in favor of the proposition, the territory is  
10 annexed to the district, and the board shall issue a declaration to  
11 that effect. If a majority of the voters in either or both the  
12 district and the territory to be annexed voting on the proposition  
13 vote against annexing the territory to the district, the territory  
14 is not annexed to the district, and the board shall issue a  
15 declaration to that effect. The board shall file a copy of the  
16 election results and declaration with the Texas Water Commission.

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

25 SECTION 21. EMERGENCY. The importance of this legislation  
26 and the crowded condition of the calendars in both houses create an  
27 emergency and an imperative public necessity that the

H.B. No. 792

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended,  
3 and that this Act take effect and be in force from and after its  
4 passage, and it is so enacted.

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

February 26, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 792  
By: Geistweidt

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 792 (relating to the creation, administration, powers, duties, operations, fiscal procedures, eminent domain authority, bond, note, and tax authority, and annexation authority of the Gillespie County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment is required by the rules of the House as to its probable impact on units of local government.

Source: LBB Staff: JO, HES, JWH, BDT, AF

1 By: Geistweidt (Senate Sponsor - Sims) H.B. No. 792  
2 (In the Senate - Received from the House May 1, 1987;  
3 May 4, 1987, read first time and referred to Committee on Natural  
4 Resources; May 19, 1987, reported favorably by the following vote:  
5 Yeas 11, Nays 0; May 19, 1987, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7				
8	Santiesteban	x		
9	Montford	x		
10	Armbrister	x		
11	Brown	x		
12	Lyon	x		
13	Sarpalius	x		
14	Sims	x		
15	Tejeda	x		
16	Uribe	x		
17	Whitmire	x		
18	Zaffirini	x		

19 A BILL TO BE ENTITLED  
20 AN ACT

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

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

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

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

32 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds  
33 that:

34 (1) the organization of the district is feasible and  
35 practicable;

36 (2) the land to be included in and the residents of the  
37 district will be benefited by the creation of the district;

38 (3) there is a public necessity for the district; and

39 (4) the creation of the district will further the public  
40 welfare.

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

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

46 (1) Precinct 1--Desmond Sagebiel

47 (2) Precinct 2--Richard Sechrist

48 (3) Precinct 3--Warren Petsch

49 (4) Precinct 4--Taylor Virdell, Jr.

50 (5) At Large--Dan Hartman.

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

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

57 SECTION 6. CREATION ELECTION. (a) Not later than the 30th  
58 day after the effective date of this Act, the temporary directors  
59 shall meet and shall call an election to be held not later than the  
60 120th day after the effective date of this Act within the  
61 boundaries of the proposed district to approve the creation of the  
62 district.

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

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

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

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

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

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

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

28 SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. Unless  
29 expanded under Section 20(k) of this Act, the board of directors of  
30 the district is composed of five members as provided by Section  
31 52.102, Water Code.

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

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

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

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

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

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

56 SECTION 14. SOIL CONSERVATION AND IMPROVEMENT; TERRACING.  
57 The district may construct and maintain terraces and other  
58 structures on land in the district and may engage in and promote  
59 land treatment measures for soil conservation and improvement.

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

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

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

1 determined by the board.

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

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15 designated territory must be submitted to the board. The petition  
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17 must be signed by not fewer than 50 percent of the persons residing  
18 in the territory to be annexed according to the most recent federal  
19 census.

20 (c) On receipt of a petition under Subsection (b) of this  
21 section, the board shall set a date for a hearing on the petition.  
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23 after the date on which the petition is received by the board.

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28 against annexation of the territory to the district.

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

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

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

48 (j) If a majority of the voters in the district and a  
49 majority of the voters in the territory to be annexed voting on the  
50 proposition vote in favor of the proposition, the territory is  
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52 that effect. If a majority of the voters in either or both the  
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55 is not annexed to the district, and the board shall issue a  
56 declaration to that effect. The board shall file a copy of the  
57 election results and declaration with the Texas Water Commission.

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

66 SECTION 21. EMERGENCY. The importance of this legislation  
67 and the crowded condition of the calendars in both houses create an  
68 emergency and an imperative public necessity that the  
69 constitutional rule requiring bills to be read on three several  
70 days in each house be suspended, and this rule is hereby suspended,

1 and that this Act take effect and be in force from and after its  
2 passage, and it is so enacted.

3 \* \* \* \* \*

Austin, Texas  
May 19, 1987

4  
5  
6 Hon. William P. Hobby  
7 President of the Senate

8 Sir:

9 We, your Committee on Natural Resources to which was referred H.B.  
10 No. 792, have had the same under consideration, and I am instructed  
11 to report it back to the Senate with the recommendation that it do  
12 pass and be printed.

13 Santiesteban, Chairman

**SENATE FAVORABLE COMMITTEE REPORT**

Lt. Governor William P. Hobby  
President of the Senate

5/18 4:06  
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred  
HB 792 by Sims have on 5/18, 19 87 had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

do pass and be printed

do pass and be ordered not printed

and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested.  yes  no

A revised fiscal note was requested.  yes  no

An actuarial analysis was requested.  yes  no

Considered by subcommittee.  yes  no

Senate Sponsor of House Measure Sims

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	✓			
Montford, Vice Chairman	✓			
Armbrister	✓			
Brown	✓			
Lyon	✓			
Sarpalius	✓			
Sims	✓			
Tejeda	✓			
Uribe	✓			
Whitmire	✓			
Zaffirini	✓			
TOTAL VOTES	11	0	0	0

Jane Pralacki  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

May 6, 1987

TO: Honorable H. Tati Santiesteban, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 792,  
as engrossed  
By: Geistweidt

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 792, as engrossed (relating to the creation, administration, powers, duties, operations, fiscal procedures, and annexation authority of the Hill Country Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment is required by the rules of the Senate as to its probable impact on units of local government.

Source: LBB Staff: JO, HES, JWH, BDT, AF

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 26, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 792  
By: Geistweidt

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 792 (relating to the creation, administration, powers, duties, operations, fiscal procedures, eminent domain authority, bond, note, and tax authority, and annexation authority of the Gillespie County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment is required by the rules of the House as to its probable impact on units of local government.

Source: LBB Staff: JO, HES, JWH, BDT, AF

REQUEST FOR LOCAL & UNCONTESTED CALENDAR  
PLACEMENT

Hon. Roy Blake, Chairman  
Administration Committee

Sir:

Notice is hereby given that 42.992, by: Sims,  
was heard by the Committee on Nov. 15 on 5/18, 1987  
and reported out with the recommendation that it be placed on the Local and Uncontested  
Calendar.

James Parlan  
Chairman of the reporting committee

**IMPORTANT:** THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL  
OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR  
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON  
ADMINISTRATION, ROOM 419. PLEASE CALL 5-1134 IF YOU HAVE ANY QUESTIONS.  
**DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 3:00 P.M.**  
**FRIDAYS.**

Attach white copy of this form to original bill; yellow copy to Reporting Committee; pink copy to Sponsor

F  
**ENROLLED**

H.B. No. 792

1 AN ACT  
2 relating to the creation, administration, powers, duties,  
3 operations, fiscal procedures, and annexation authority of the Hill  
4 Country Underground Water Conservation District; granting the power  
5 of eminent domain.

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

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

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

13 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds  
14 that:

15 (1) the organization of the district is feasible and  
16 practicable;

17 (2) the land to be included in and the residents of the  
18 district will be benefited by the creation of the district;

19 (3) there is a public necessity for the district; and

20 (4) the creation of the district will further the public  
21 welfare.

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

24 SECTION 5. TEMPORARY DIRECTORS. (a) On the effective date

1 of this Act, the following persons are designated as temporary  
2 directors of the district:

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

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

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

14 SECTION 6. CREATION ELECTION. (a) Not later than the 30th  
15 day after the effective date of this Act, the temporary directors  
16 shall meet and shall call an election to be held not later than the  
17 120th day after the effective date of this Act within the  
18 boundaries of the proposed district to approve the creation of the  
19 district.

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

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

25 (d) If a majority of the votes cast at the election favor  
26 the creation of the district, the temporary directors shall declare  
27 the district created. If a majority of the votes cast at the

1 election are against the creation of the district, the temporary  
2 directors shall declare the district defeated. The temporary  
3 directors shall file a copy of the election results with the Texas  
4 Water Commission.

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

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

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

18 (b) The persons serving as directors for Precincts 1 and 3  
19 shall serve as directors until the first regular meeting of the  
20 board of directors following the first regular directors' election.  
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1 52.102, Water Code.

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4 of the district and must be at least 18 years of age.

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11 year following the creation election, an election shall be held on  
12 the third Saturday in May every two years to elect the appropriate  
13 number of directors to the board.

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15 directors of the district, directors shall serve for terms of four  
16 years.

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

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

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27 The district may construct and maintain terraces and other

1 structures on land in the district and may engage in and promote  
2 land treatment measures for soil conservation and improvement.

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22 water inside or outside the district.

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24 annex territory to the district in the manner provided by this  
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1 designated territory must be submitted to the board. The petition  
2 must be in writing, must define the territory to be annexed, and  
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8 majority of the voters in the territory to be annexed voting on the  
9 proposition vote in favor of the proposition, the territory is  
10 annexed to the district, and the board shall issue a declaration to  
11 that effect. If a majority of the voters in either or both the  
12 district and the territory to be annexed voting on the proposition  
13 vote against annexing the territory to the district, the territory  
14 is not annexed to the district, and the board shall issue a  
15 declaration to that effect. The board shall file a copy of the  
16 election results and declaration with the Texas Water Commission.

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

25 SECTION 21. EMERGENCY. The importance of this legislation  
26 and the crowded condition of the calendars in both houses create an  
27 emergency and an imperative public necessity that the

H.B. No. 792

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended,  
3 and that this Act take effect and be in force from and after its  
4 passage, and it is so enacted.

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President of the Senate

---

Speaker of the House

I certify that H.B. No. 792 was 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.

---

Chief Clerk of the House

I certify that H.B. No. 792 was passed by the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

H. B. No. 792

By Gentwirth

A BILL TO BE ENTITLED  
AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, eminent domain authority, bond, note, and tax authority, and annexation authority of the Gillespie County Underground Water Conservation District.

FEB 16 1987

1. Filed with the Chief Clerk.

FEB 23 1987

2. Read first time and Referred to Committee on

Natural Resources

APR 22 1987

3. Reported favorably ~~(amended)~~ (as substituted) and sent to Printer at 5:00 pm

APR 27 1987

4. Printed and distributed at 4:47 pm

APR 24 1987

APR 27 1987

5. Sent to Committee on Calendars at 5:52 pm.

APR 30 1987

6. Read second time ~~(amended)~~ as subs.; passed to third reading ~~(failed)~~ by (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

APR 30 1987

9. Read third time (~~amended~~); finally passed (~~failed~~) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

APR 30 1987

12. Ordered Engrossed at 12:06 pm

MAY 1 1987

13. Engrossed.

MAY 1 1987

14. Returned to Chief Clerk at 9:04 am

MAY 1 1987

15. Sent to Senate.

Betty Murray

Chief Clerk of the House

MAY 1 1987

16. Received from the House

MAY 4 1987

17. Read, referred to Committee on NATURAL RESOURCES

MAY 19 1987

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by \_\_\_\_\_ (a viva voce vote.) \_\_\_\_\_ years, \_\_\_\_\_ nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 23 1987

23. Read second time Laid before Senate passed to third reading by: (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 23 1987

25. Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas, 1 nays to place bill on third reading and final passage.

MAY 23 1987

26. Read third time and passed by (a viva voce vote.) 30 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

May 23, 1987

27. Returned to the House.

MAY 23 1987

28. Received from the Senate ~~(with amendments)~~ ~~(as substituted)~~

29. House (Concurred) (Refused to Concur) in Senate <sup>(Amendments)</sup> <sub>(Substitute)</sub> by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 23 1987

32. Ordered Enrolled at 12:10 pm

HOUSE OF REPRESENTATIVES  
1987 MAY 1 - 1 AM 9:04

HOUSE OF REPRESENTATIVES  
1987 APR 27 PM 4:47

NR  
139

cbt



State of Texas  
House of Representatives

DISTRICT 67

GERALD GEISTWEIDT  
STATE REPRESENTATIVE

P.O. BOX 2910  
AUSTIN, TEXAS 78769-2910  
(512) 463-0536

P.O. DRAWER P  
MASON, TEXAS 76856  
(915) 347-6328

March 2, 1987

The Honorable Terral Smith  
Chairman, Natural Resources Committee  
Room 241, Reagan Bldg.

Dear Chairman Smith:

RE: Author's Fiscal Statement, House Bill 792 relating to the creation, administration, powers, duties, operations, fiscal procedures, eminent domain authority, bond, note, and tax authority, and annexation authority of the Gillespie County Underground Water Conservation District.

In response to your request for an Author's Fiscal Statement on House Bill 792, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated;
2. COST TO GILLESPIE COUNTY GOVERNMENT: the fiscal implication to Gillespie County would be .05¢ of \$100 property tax.

If further information is needed, please let me know.

Sincerely,

  
Gerald Geistweidt

6

# TEXAS WATER COMMISSION

Paul Hopkins, Chairman  
Ralph Roming, Commissioner  
John O. Houchins, Commissioner



Larry R. Soward, Executive Director  
Mary Ann Hefner, Chief Clerk  
James K. Rourke, Jr., General Counsel

March 3, 1987

Honorable William P. Clements, Jr.  
Governor of Texas

Honorable W. P. Hobby  
President of the Senate

Honorable Gib Lewis  
Speaker of the House of Representatives

Gentlemen:

Re: H.B. 792 and S.B. 139 - Proposed creation of Gillespie County Underground Water Conservation District pursuant to Article XVI, §59, Texas Constitution

Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, §59(d), Texas Constitution

H.B. 792 and S.B. 139 were received by the Commission from the Governor of Texas on February 16, 1987, and February 17, 1987, respectively.

These bills create a groundwater conservation district over all of Gillespie County to be named Gillespie County Underground Water Conservation District. The proposed district will have essentially identical powers and duties as those of an underground water conservation district created pursuant to Chapter 52, Water Code, with certain additional powers, as follows:

- (1) The district is authorized to reclaim land within the district and construct projects necessary for this purpose.
- (2) The district is authorized to construct and maintain terraces and other structures in the district and to engage in and promote land treatment measures for soil conservation and improvement.
- (3) The district is authorized to drill, equip, operate and maintain input wells.

Honorable William P. Clements, Jr.  
Honorable W. P. Hobby  
Honorable Gib Lewis  
Page 2  
March 3, 1987

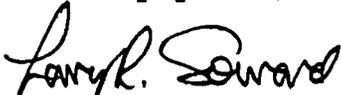
- (4) The district is expressly authorized to appear before the Railroad Commission and present evidence and information relating to any pending permit application for an injection well to be located within the district.
- (5) Specific procedures for the annexation of territory to the district are provided.

The district is specifically prohibited from supplying underground water inside or outside the district.

Although the initial directors, five in number, are appointed by the Legislature in the bill, subsequent directors will be elected. A confirmation election for the creation of the district is required. The tax and bond provisions of Chapter 51 and 52, Water Code, will apply to the district.

The subject matter of these bills is essentially a matter of local interest and because benefits to the landowners and residents in the district may result from their passage, the Commission would not oppose the enactment of H.B. 792 and S.B. 139.

Sincerely yours,



Larry R. Soward  
Executive Director

cc: Ms. Betty Murray, Chief Clerk, House of Representatives  
Ms. Betty King, Secretary of the Senate  
Representative Terral Smith - House Natural Resources  
Committee  
Senator Tati Santiesteban - Senate Natural Resources  
Committee  
Representative Gerald Geistweidt  
Senator William M. Sims

I certify this document to be a  
true and correct copy of the Texas  
Water Commission recommendations on

H.B. #

792

Betty Murray  
Chief Clerk of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 792<sup>(1)</sup> was passed by the House  
on April 30<sup>(2)</sup>, 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<sup>(3)</sup>, 1987,

and the recommendation of the Texas Water Commission was filed with  
the Speaker of the House on March 3<sup>(4)</sup>, 1987.

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: 'A;CT71;

I certify that H.B. No. 792<sup>(1)</sup> was passed by the Senate  
on May 23<sup>(2)</sup>, 1987, by the following vote:  
Yeas 30<sup>(3)</sup>, Nays 0<sup>(4)</sup>

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: 'A;CT34;