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.

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 Gillespie County Underground Water Conservation District is created under Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Gillespie County 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) In the order calling the election, the temporary
directors shall designate election precincts and polling places for
the election.

(c) The temporary directors shall publish notice of the
election at least one time in a newspaper or newspapers that have
general circulation within the boundaries of the proposed district.
The notice must be published before the 30th day preceding the date
of the election.
(d) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of the Gillespie County Underground Water Conservation District."

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

(f) If a majority of the votes cast at the election favor the creation of the district, the temporary directors shall declare the district created and shall enter the results in their minutes. 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 and shall enter the results in their minutes. The temporary directors shall file a copy of the election results with the Texas Water Commission.

(g) 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.

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 in April 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 in April following the 
second regular directors' election.

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

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

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 first Saturday in April 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. BEGINNING OF DIRECTOR'S TERM. A director takes
office at the first regular meeting of the board in April following
election to the board.

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

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

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

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

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

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

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

SECTION 17. QUORUM. A majority of the members of the board
constitute a quorum for the transaction of business of the
district, but no official action of the board is valid without the
affirmative vote of a majority of the members of the board.
SECTION 18. OTHER OFFICERS. (a) The board shall appoint
persons to serve as treasurer and attorney for the district.

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

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

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

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

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

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

SECTION 21. PERSONNEL. (a) The general manager or the
board may employ other persons necessary for the proper handling of
the business and operation of the district and may employ or
contract with expert and specialized personnel who are necessary to
carry out this Act.
(b) The board shall determine the terms of employment and the compensation to be paid to employees under this section.

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

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

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

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

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

(b) Minutes, contracts, records, plans, notices, accounts, receipts, and other records are the property of the district and are subject to public inspection.
SECTION 25. CONTRACTS. The board may enter into contracts as provided by Chapter 51, Water Code, and those contracts shall be executed by the board in the name of the district.

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

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

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

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

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

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

SECTION 30. RULES. The board may adopt rules that are necessary to carry out the purpose and powers under this Act and may enforce those rules by injunction, mandatory injunction, or
other appropriate remedies in a court of competent jurisdiction.

SECTION 31. EXERCISE OF POWERS AND DUTIES UNDER WATER CODE. Except to the extent of any conflict with this Act or as specifically limited by this Act, the district may exercise the powers granted and shall exercise the duties under Subchapter E, Chapter 52, Water Code, to carry out the purpose of the district and this Act.

SECTION 32. LIMITATION ON PERMIT AUTHORITY. If the district regulates production of underground water by permit as authorized by Chapter 52, Water Code, the board may not deny a permit to drill a well to the owner of land, his heirs, assigns, and lessees on his land and the right to produce water from that well under rules adopted by the district.

SECTION 33. STUDIES AND SURVEYS. The board may have professional engineers make studies and surveys of the underground water supply within the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of that water. The professional engineers also may determine the quantity of underground water in the district.

SECTION 34. PLANS AND SPECIFICATIONS. The district may develop and implement comprehensive plans for the conservation, preservation, protection, recharge, and prevention of waste and pollution of underground water within the district. The plans may include all works, facilities, and improvements necessary to implement the plans and the specifications for those works, facilities, and improvements.
SECTION 35. RESEARCH; INFORMATION. The district may engage in research projects and may develop information to be used by the district in preparing and implementing its plans and in carrying out its powers and duties under this Act.

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

SECTION 37. 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 38. ACQUISITION AND CONSTRUCTION OF WORKS, FACILITIES, AND IMPROVEMENTS. (a) The district may construct or acquire and improve and maintain works, facilities, and improvements necessary to carry out the purpose, powers, and plans of the district.

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

SECTION 39. 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 40. 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 41. EMINENT DOMAIN. (a) The district may exercise
the power of eminent domain to acquire a fee simple or other
interest in property located inside the district if the property
interest is necessary to the exercise of the authority conferred by
this chapter.

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

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

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

SECTION 42. 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 43. 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 44. 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 45. PROTECTION OF WATER RIGHTS. The ownership and rights of the owner of land, his lessees, and assigns in underground water are recognized and this Act does not deprive or divest the owner, his lessees, and assigns of those ownership rights.

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

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

SECTION 48. 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. In the election order, the board
shall designate election precincts and polling places for the
elections.

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

(i) If an election is called, the board shall give notice of
the election and the proposition to be voted on by publishing
notice at least one time in one or more newspapers with general
circulation in the district and the territory to be annexed. The
notice must be published before the 30th day preceding the date set
for the election.

(j) 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 Gillespie County Underground Water Conservation
District, and assumption by the described territory of a
proportional share of the outstanding indebtedness of the
district."

(k) Immediately after the election, the presiding judge of
each polling place shall deliver the returns of the election to the
board, and the board shall canvass the returns of the election in
the district and the returns of the election in the territory to be
annexed separately and declare the results. 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.
(1) 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 49. 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.
PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS,
COUNTY OF GILLESPIE

On this 15th day of January 1987
personally appeared before me the undersigned authority,

William A. Pickett
editor, business manager

who states that he is the editor, business 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 consecutive issues thereof, on the following dates:

1-14-87

Subscribed and sworn to before me this the 15th day of January 1987

(Seal)
NATHAN W. CRENWELGE
COMMISSION EXPIRES 8-30-90

Notary Public in and for Gillespie County, Texas
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 Texas Water Commission, 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

 campos. 1987

Betty Murray
Chief Clerk
House of Representatives

TO: ‘Texas Water Commission’

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. 792, a bill relating to a conservation and reclamation
district, and a copy of the notice of intention to introduce the bill.

2/16/87
Date transmitted to
Texas Water Commission

William P. Clements, Jr.
Governor

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

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of 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

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

By Harris of Brazoria

H.B. No. 792

C.S.H.B. No. 792

A BILL TO BE ENTITLED

AN ACT

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

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
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.
The Honorable Gib Lewis  
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,  
to whom was referred HB 792 (measure)  
have had the same under consideration and beg to report  
back with the recommendation that it

( ) do pass, without amendment.
( ) do pass, with amendment(s).
(χ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (χ) yes ( ) no  
An actuarial analysis was requested. ( ) yes (χ) no

An author's fiscal statement was requested. (χ) yes ( ) no

The Committee recommends that this measure be placed on the (Local) or (Final) Calendar.

This measure (χ) proposes new law. ( ) amends existing law.

House Sponsor of Senate Measure

The measure was reported from Committee by the following vote:

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<thead>
<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
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</thead>
<tbody>
<tr>
<td>Smith, T., Ch.</td>
<td>X</td>
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<td>Harris, J., V.C.</td>
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<td>Johnson, C., C.B.O.</td>
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<td>Hammond</td>
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<td>Toomey</td>
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<td>Yost</td>
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</tbody>
</table>

Total

|       | 6 aye | 0 nay | 0 present, not voting | 3 absent |

CHAIRMAN

COMMITTEE COORDINATOR
HB 792
By: Geistweidt
Committee on
Natural Resources

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 Holzheuaser
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

FROM: Jim Oliver, Director

In Re: House Bill No. 792
By: Geistweidt

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, BOT, AF
A BILL TO BE ENTITLED

AN ACT

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

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.
C.S.H.B. No. 792

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
C.S.H.B. No. 792

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
C.S.H.B. No. 792

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.

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

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

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

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

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

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

(i) The ballots for the election shall be printed to provide
20 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.
By Geistweidt

A BILL TO BE ENTITLED

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:

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

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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.

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

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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
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section shall be appointed by the board and shall serve until the
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and the crowded condition of the calendars in both houses create an
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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.
TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

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:

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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
COMMITTEE VOTE

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A BILL TO BE ENTITLED
AN ACT

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(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."
H.B. No. 792

(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.

(f) 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.

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 lands 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.

* * * * *

Austin, Texas
May 19, 1987

Hon. William P. Hobby
President of the Senate

Sir:

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

Santiesteban, Chairman
SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

Sir:

We, your Committee on ________________________ to which was referred
HB 792 by ________________________ had the same
(measure) (sponsor)

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

\(\checkmark\) do pass and be printed

\(\bigcirc\) do pass and be ordered not printed

\(\checkmark\) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. \(\checkmark\) yes \(\bigcirc\) no

A revised fiscal note was requested. \(\bigcirc\) yes \(\checkmark\) no

An actuarial analysis was requested. \(\bigcirc\) yes \(\checkmark\) no

Considered by subcommittee. \(\checkmark\) yes \(\bigcirc\) no

Senate Sponsor of House Measure ________________________

The measure was reported from Committee by the following vote:

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Committee Clerk ________________________
Chairman ________________________

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.
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:

FROM: Jim Oliver, Director

By: Geistweidt

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

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

70FHB792
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Notice is hereby given that __________________________, by: __________________________,

was heard by the Committee on __________________________ on __________________________, 19__,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

[Signature]
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
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
H.B. No. 792

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
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.
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
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

APR 22 1987
3. Reported favorably (as substituted) and sent to Printer at 5:00 pm

APR 27 1987
4. Printed and distributed at 4:47 pm

APR 27 1987
5. Sent to Committee on Calendars at 5:52 pm

APR 30 1987
6. Read second time (amended); passed to third reading (nased) by Record Vote of

APR 30 1987
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 ________ yea, ________ nays, and ________ present, not voting).

APR 30 1987
8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ________ yea, ________ nays, and ________ present, not voting.

APR 30 1987
9. Read third time (amended); finally passed (failed) by Non-Record Vote. Record Vote of ________ yea, ________ nays, and ________ present, not voting.

APR 30 1987
10. Caption ordered amended to conform to body of bill.

APR 30 1987
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 ________ yea, ________ nays, and ________ present, not voting).

MAY 1 1987
12. Ordered Engrossed at 12:06 pm

MAY 1 1987
13. Engrossed.

MAY 1 1987
14. Returned to Chief Clerk at 4:04 pm

MAY 1 1987
15. Sent to Senate.

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

MAY 19 1987
19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 19 1987
20. Ordered not printed.

MAY 19 1987
21. Regular order of business suspended by (a viva voce vote.)

(yea, 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 ________ passed to third reading by: __________ yeas, __________ nays.)

MAY 23 1987

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

MAY 23 1987

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

MAY 23 1987

26. Read third time and passed by __________ yeas, __________ nays.)

OTHER ACTION: OTHER ACTION:

SECRETARY HINZ

Secretary of the Senate

MAY 23 1987

27. Returned to the House.

MAY 23 1987

28. Received from the Senate (With amendments) (Passed)

MAY 23 1987

29. House (Concurred) (Refused to Concur in Senate) (Amendments) by a (Non-Record Vote) (Record Vote of __________ yeas, __________ nays, __________ present, not voting).

30. Conference Committee Ordered.

MAY 23 1987

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

32. Ordered Enrolled at __________ p.m.
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

Committees: Appropriations, Ways and Means
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.
Honorables William P. Clements, Jr.
Honorables W. P. Hobby
Honorables 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

Chief Clerk of the House

[Signature]
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

**** Preparation: 'A;CT71;

**** Preparation: 'A;CT34;