

By: Bolton

H.B. No. 4729

Substitute the following for H.B. No. 4729:

By: Frost

C.S.H.B. No. 4729

A BILL TO BE ENTITLED

1 AN ACT
2 relating to changes in the territory, board of directors, and water
3 use fees of the Barton Springs-Edwards Aquifer Conservation
4 District.

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

6 ARTICLE 1. DISTRICT TERRITORY; RATIFICATION ELECTION

7 SECTION 1.01. Section 8802.003, Special District Local Laws
8 Code, is amended to read as follows:

9 Sec. 8802.003. DISTRICT TERRITORY. (a) The district is
10 composed of the territory described by the Texas Water Commission's
11 August 15, 1986, order, as that territory may have been modified
12 under:

13 (1) Subchapter J, Chapter 36, Water Code; or

14 (2) other law.

15 (b) In addition, the district includes the territory
16 described by Section 2.01 of the Act enacting this subsection.

17 SECTION 1.02. Subchapter A, Chapter 8802, Special District
18 Local Laws Code, is amended by adding Section 8802.005 to read as
19 follows:

20 Sec. 8802.005. RATIFICATION ELECTION. (a) Before August 31,
21 2011, the board of directors shall hold an election to ratify the
22 annexation of the territory described by Section 2.02 of the Act
23 enacting this subsection. If a majority of the voters voting at the
24 election do not vote in favor of ratifying the annexation, the board

1 may hold another election for the same purpose.

2 (b) Except as provided by this section, a ratification
3 election must be conducted as provided by Section 36.328, Water
4 Code, and the Election Code.

5 (c) This section expires September 1, 2011.

6 SECTION 1.03. Section 8802.053, Special District Local Laws
7 Code, is amended by amending Subsection (c) and adding Subsection
8 (c-1) to read as follows:

9 (c) As soon as practicable after the publication of each
10 federal decennial census, the board shall revise the single-member
11 districts as the board considers appropriate to reflect population
12 changes.

13 (c-1) When the board revises the single-member districts
14 [~~under this subsection~~], the board shall place two of the districts
15 wholly within the territory described by Section 2.04 of the Act
16 amending Subsection (c) and adding this subsection[+]

17 [~~(1) entirely within the boundaries of the city of~~
18 Austin, as those boundaries exist at that time, or

19 [~~(2) within the boundaries of the city of Austin, as~~
20 those boundaries exist at that time, but also including
21 unincorporated areas or other municipalities that are surrounded
22 wholly or partly by the boundaries of the city of Austin if the
23 areas or municipalities are noncontiguous to the territory of any
24 other single-member district].

25 SECTION 1.04. Subchapter B, Chapter 8802, Special District
26 Local Laws Code, is amended by adding Section 8802.054 to read as
27 follows:

1 Sec. 8802.054. APPLICABILITY OF OTHER LAW. Section 36.059,
2 Water Code, does not apply to the district.

3 SECTION 1.05. Sections 8802.051(b) and 8802.053(d),
4 Special District Local Laws Code, are repealed.

5 SECTION 1.06. This article takes effect September 1, 2009.

6 ARTICLE 1A. FEES; DIRECTORS AND TERRITORY CONTINGENT ON ANNEXATION

7 SECTION 1A.01. This article takes effect only if the
8 annexation of the territory described by Section 2.02 of this Act is
9 ratified at an election held under Section 8802.005, Special
10 District Local Laws Code, as added by Article 1 of this Act. If the
11 annexation of the territory described by Section 2.02 of this Act is
12 not ratified, this article has no effect.

13 SECTION 1A.02. Section 8802.003, Special District Local
14 Laws Code, is amended by adding Subsection (c) to read as follows:

15 (c) In addition, the district includes the territory
16 described by Section 2.02 of the Act enacting this subsection.

17 SECTION 1A.03. Subchapter B, Chapter 8802, Special District
18 Local Laws Code, is amended by adding Sections 8802.0511, 8802.054,
19 and 8802.055 to read as follows:

20 Sec. 8802.0511. DIRECTORS; TERMS. (a) The district is
21 governed by a board of seven directors who serve staggered
22 four-year terms.

23 (b) Three directors must be elected by voters residing in
24 the territory described by Section 2.03 of the Act enacting this
25 subsection.

26 (c) Four directors must be elected by voters of the district
27 who reside outside the territory described by Section 2.03 of the

1 Act enacting this subsection.

2 Sec. 8802.054. SINGLE-MEMBER DISTRICTS. (a) The district
3 is divided into seven numbered, single-member districts for
4 electing directors.

5 (b) The board may revise the single-member districts as
6 necessary or appropriate.

7 (c) When the board revises the single-member districts, the
8 board shall place three of the districts entirely inside and four of
9 the districts entirely outside the territory described by Section
10 2.03 of the Act enacting this subsection.

11 (d) When the boundaries of the single-member districts are
12 changed, a director in office on the effective date of the change,
13 or elected or appointed before the effective date of the change to a
14 term of office beginning on or after the effective date of the
15 change, is entitled to serve the term or the remainder of the term
16 in the numbered single-member district to which elected or
17 appointed even though the change in boundaries places the person's
18 residence outside the numbered single-member district for which the
19 person was elected or appointed.

20 (e) At the first regularly scheduled election of directors
21 after the board of the district is expanded from five to seven
22 directors, directors elected to fill any vacant director positions
23 shall draw lots to determine which of those directors shall serve a
24 two-year term and which shall serve a four-year term. Lots must be
25 determined so that not more than four directors' terms expire in any
26 even-numbered year.

27 Sec. 8802.055. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than three months after the date of the election under
2 Section 8802.005, the board shall appoint two temporary directors
3 to the board to represent the territory the annexation of which was
4 ratified at the election.

5 (b) The temporary directors shall serve at large until the
6 next general election of directors of the district under Section
7 8802.052.

8 SECTION 1A.04. Section 8802.105(a), Special District Local
9 Laws Code, is amended to read as follows:

10 (a) Each year the board may assess against the City of
11 Austin a water use fee in an amount not to exceed the lesser of
12 \$900,000 or 60 percent of the total funding the district expects to
13 receive for the next fiscal year from water use fees assessed
14 against Austin and other nonexempt users in that year as computed [
15 subject to the computation] under Subsection (b).

16 SECTION 1A.05. Sections 8802.051 and 8802.053, Special
17 District Local Laws Code, are repealed.

18 SECTION 1A.06. (a) Except as provided by Section 1A.01 of
19 this Act, this article takes effect on the date the annexation of
20 the territory described by Section 2.02 of this Act is ratified at
21 an election held under Section 8802.005, Special District Local
22 Laws Code, as added by Article 1 of this Act.

23 (b) If the annexation of territory is ratified at an
24 election described by Subsection (a) of this section, the board of
25 directors of the Barton Springs-Edwards Aquifer Conservation
26 District shall notify the Texas Commission on Environmental Quality
27 of the changes in territory and board members.

ARTICLE 2. DESCRIPTION OF TERRITORIES

SECTION 2.01. The territory annexed to the Barton Springs-Edwards Aquifer Conservation District under Section 8802.003(b), Special District Local Laws Code, as added by Section 1.01 of this Act, is described as follows:

(1) 1.8750 acres described as Lot 1, Block 1 of Vanisha Development Subdivision, as recorded in Book No. 14, Pages 98-99, Hays County, Texas;

(2) 21.003 acres of land situated in the Thomas G. Allen Survey, Hays County, Texas, being a portion of that certain tract of land in a deed to South Corridor Park, Ltd., recorded in Document No. 00025896, Hays County, Texas; and

(3) 24.628 acres of land situated in the Elisha Pruett Survey, Abstract 23, described in a deed to Hays Consolidated Independent School District, recorded in Document No. 05001881, Hays County, Texas.

SECTION 2.02. The territory annexed to the Barton Springs-Edwards Aquifer Conservation District if ratified at an election under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act, is described as follows:

(1) Beginning at the current eastern district boundary and the Colorado River, running east along the Colorado River to a point where the district boundary intersects Interstate Highway 35, then south along Interstate Highway 35 to William Cannon Drive, then west along Old Lockhart Road, then north on Congress Avenue, then west on Ben White Boulevard, then north on South First Street, then east on Elizabeth Street, then north on Congress Avenue following

1 along the district boundary to the place of beginning; and

2 (2) Beginning at the current western district boundary and
3 the Colorado River, then following westerly along the southern
4 border of the Colorado River to a point due north of the
5 intersection of Weston Lane and Brightman Lane, then south on that
6 line to said intersection, then south on Weston Lane to its
7 intersection with FM 2244, then west on FM 2244 to its intersection
8 with State Highway 71, then west on State Highway 71 until the
9 intersection with the extraterritorial jurisdiction limits of the
10 City of Bee Cave as of the date of the ratification election under
11 Section 8802.005, Special District Local Laws Code, then generally
12 south and west following the extraterritorial jurisdiction limits
13 of the City of Bee Cave, to exclude the City of Bee Cave and its
14 extraterritorial jurisdiction as of the date of the ratification
15 election under Section 8802.005, Special District Local Laws Code,
16 until it intersects with State Highway 71, then west on Highway 71
17 until it intersects with Bee Creek Road, then north on Bee Creek
18 Road until it intersects with Siesta Shores Drive, then due east
19 from that intersection to the southern boundary of Lake Travis,
20 then following the southern boundary of Lake Travis until it
21 intersects the Blanco County line, then following the Blanco County
22 line until it intersects the Hays County line, then east along the
23 Hays County line until its intersection of the district boundary
24 existing before the effective date of this Act, then north
25 following the western district boundary to the Colorado River, the
26 point of beginning.

27 (3) Any boundary reference to a highway, street, road,

1 avenue, boulevard, or lane shall mean the center line of the
2 boundary.

3 SECTION 2.03. If the annexation of territory is ratified by
4 an election held under Section 8802.005, Special District Local
5 Laws Code, as added by Article 1 of this Act, the territory for
6 certain voting districts under Sections 8802.0511(a) and (b) and
7 Section 8802.054(c), Special District Local Laws Code, as added by
8 Article 1A of this Act, is described as follows:

9 (1) Beginning at a point where Interstate Highway 35 crosses
10 the Colorado River in Travis County, then south along Interstate
11 Highway 35 to Slaughter Lane, then west along Slaughter Lane to FM
12 1826, then north along FM 1826 to U.S. Highway 290, then east along
13 U.S. Highway 290 to Old Bee Cave Road, then northwest along Old Bee
14 Cave Road to Travis Cook Road, then north along Travis Cook Road to
15 Barton Creek Boulevard, then north along Barton Creek Boulevard to
16 FM 2244, then west along FM 2244 to Weston Lane, then north along
17 Weston Lane to Brightman Lane, then due north from that
18 intersection to the Colorado River, then east along the Colorado
19 River to the place of the beginning.

20 (2) Any boundary reference to a highway, street, road,
21 avenue, boulevard, or lane shall mean the center line of the
22 boundary.

23 SECTION 2.04. The territory for voting districts under
24 Section 8802.053(c-1), Special District Local Laws Code, as added
25 by Section 1.03 of this Act, is described as follows:

26 (1) Beginning at the eastern district boundary and the
27 Colorado River, then south along the eastern district boundary to

1 the intersection of Interstate Highway 35 and Slaughter Lane; then
2 west along Slaughter Lane to the district boundary, then north
3 along the district boundary to the Colorado River, then east along
4 the Colorado River following the district boundary to the point of
5 the beginning.

6 (2) Any boundary reference to a highway, street, road,
7 avenue, boulevard, or lane shall mean the center line of the
8 boundary.

9 ARTICLE 3. JURISDICTIONAL CONFLICT

10 SECTION 3.01. The Edwards Aquifer Authority maintains sole
11 authority to regulate and manage the San Antonio segment of the
12 Edwards Aquifer.

13 ARTICLE 4. INTENT, NOTICE, AND EFFECTIVE DATE

14 SECTION 4.01. (a) The legal notice of the intention to
15 introduce this Act, setting forth the general substance of this
16 Act, has been published as provided by law, and the notice and a
17 copy of this Act have been furnished to all persons, agencies,
18 officials, or entities to which they are required to be furnished
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
20 Government Code.

21 (b) The governor has submitted the notice and Act to the
22 Texas Commission on Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor,
25 lieutenant governor, and speaker of the house of representatives
26 within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4.02. Except as provided by Section 1.06, 1A.01, or
5 1A.06 of this Act, this Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009, except as provided by Section
10 1A.01 or 1A.06 of this Act.