

1-1 By: Watson S.B. No. 2474
1-2 (In the Senate - Filed March 27, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 14, 2009, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; April 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to changes in the territory, board of directors, and water
1-9 use fees of the Barton Springs-Edwards Aquifer Conservation
1-10 District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 ARTICLE 1. DISTRICT TERRITORY; RATIFICATION ELECTION

1-13 SECTION 1.01. Section 8802.003, Special District Local Laws
1-14 Code, is amended to read as follows:

1-15 Sec. 8802.003. DISTRICT TERRITORY. (a) The district is
1-16 composed of the territory described by the Texas Water Commission's
1-17 August 15, 1986, order, as that territory may have been modified
1-18 under:

1-19 (1) Subchapter J, Chapter 36, Water Code; or

1-20 (2) other law.

1-21 (b) In addition, the district includes the territory
1-22 described by Section 2.01, S.B. No. 2474, Acts of the 81st
1-23 Legislature, Regular Session, 2009.

1-24 SECTION 1.02. Subchapter A, Chapter 8802, Special District
1-25 Local Laws Code, is amended by adding Section 8802.005 to read as
1-26 follows:

1-27 Sec. 8802.005. RATIFICATION ELECTION. (a) Before August
1-28 31, 2011, the board shall hold an election to ratify the annexation
1-29 of the territory described by Section 2.02, S.B. No. 2474, Acts of
1-30 the 81st Legislature, Regular Session, 2009. If a majority of the
1-31 voters voting at the election do not vote in favor of ratifying the
1-32 annexation, the board may hold another election for the same
1-33 purpose.

1-34 (b) Except as provided by this section, a ratification
1-35 election must be conducted as provided by Section 36.328, Water
1-36 Code, and the Election Code.

1-37 (c) This section expires September 1, 2011.

1-38 SECTION 1.03. Section 8802.053, Special District Local Laws
1-39 Code, is amended by amending Subsection (c) and adding Subsection
1-40 (c-1) to read as follows:

1-41 (c) As soon as practicable after the publication of each
1-42 federal decennial census, the board shall revise the single-member
1-43 districts as the board considers appropriate to reflect population
1-44 changes.

1-45 (c-1) When the board revises the single-member districts
1-46 [under this subsection], the board shall place two of the districts
1-47 wholly within the territory described by Section 2.04, S.B. No.
1-48 2474, Acts of the 81st Legislature, Regular Session, 2009[+]

1-49 [(1) entirely within the boundaries of the city of
1-50 Austin, as those boundaries exist at that time; or

1-51 [(2) within the boundaries of the city of Austin, as
1-52 those boundaries exist at that time, but also including
1-53 unincorporated areas or other municipalities that are surrounded
1-54 wholly or partly by the boundaries of the city of Austin if the
1-55 areas or municipalities are noncontiguous to the territory of any
1-56 other single-member district].

1-57 SECTION 1.04. Subchapter B, Chapter 8802, Special District
1-58 Local Laws Code, is amended by adding Section 8802.054 to read as
1-59 follows:

1-60 Sec. 8802.054. APPLICABILITY OF OTHER LAW. Section 36.059,
1-61 Water Code, does not apply to the district.

1-62 SECTION 1.05. Subsection (b), Section 8802.051, and
1-63 Subsection (d), Section 8802.053, Special District Local Laws Code,
1-64 are repealed.

2-1 SECTION 1.06. This article takes effect September 1, 2009.
2-2 ARTICLE 1A. FEES; DIRECTORS AND TERRITORY CONTINGENT ON
2-3 ANNEXATION

2-4 SECTION 1A.01. This article takes effect only if the
2-5 annexation of the territory described by Section 2.02 of this Act is
2-6 ratified at an election held under Section 8802.005, Special
2-7 District Local Laws Code, as added by Article 1 of this Act. If the
2-8 annexation of the territory described by Section 2.02 of this Act is
2-9 not ratified, this article has no effect.

2-10 SECTION 1A.02. Section 8802.003, Special District Local
2-11 Laws Code, is amended by adding Subsection (c) to read as follows:
2-12 (c) In addition, the district includes the territory
2-13 described by Section 2.02, S.B. No. 2474, Acts of the 81st
2-14 Legislature, Regular Session, 2009.

2-15 SECTION 1A.03. Subchapter B, Chapter 8802, Special District
2-16 Local Laws Code, is amended by adding Sections 8802.0511,
2-17 8802.0541, and 8802.055 to read as follows:

2-18 Sec. 8802.0511. DIRECTORS; TERMS. (a) The district is
2-19 governed by a board of seven directors who serve staggered
2-20 four-year terms.

2-21 (b) Three directors must be elected by voters residing in
2-22 the territory described by Section 2.03, S.B. No. 2474, Acts of the
2-23 81st Legislature, Regular Session, 2009.

2-24 (c) Four directors must be elected by voters of the district
2-25 who reside outside the territory described by Section 2.03, S.B.
2-26 No. 2474, Acts of the 81st Legislature, Regular Session, 2009.

2-27 Sec. 8802.054. SINGLE-MEMBER DISTRICTS. (a) The district
2-28 is divided into seven numbered, single-member districts for
2-29 electing directors.

2-30 (b) The board may revise the single-member districts as
2-31 necessary or appropriate.

2-32 (c) When the board revises the single-member districts, the
2-33 board shall place three of the districts entirely inside and four of
2-34 the districts entirely outside the territory described by Section
2-35 2.03, S.B. No. 2474, Acts of the 81st Legislature, Regular Session,
2-36 2009.

2-37 (d) When the boundaries of the single-member districts are
2-38 changed, a director in office on the effective date of the change,
2-39 or elected or appointed before the effective date of the change to a
2-40 term of office beginning on or after the effective date of the
2-41 change, is entitled to serve the term or the remainder of the term
2-42 in the numbered single-member district to which elected or
2-43 appointed even though the change in boundaries places the person's
2-44 residence outside the numbered single-member district for which the
2-45 person was elected or appointed.

2-46 (e) At the first regularly scheduled election of directors
2-47 after the board of the district is expanded from five to seven
2-48 directors, directors elected to fill any vacant director positions
2-49 shall draw lots to determine which of those directors shall serve a
2-50 two-year term and which shall serve a four-year term. Lots must be
2-51 determined so that not more than four directors' terms expire in any
2-52 even-numbered year.

2-53 Sec. 8802.055. APPOINTMENT OF TEMPORARY DIRECTORS.

2-54 (a) Not later than three months after the date of the election
2-55 under Section 8802.005, the board shall appoint two temporary
2-56 directors to the board to represent the territory the annexation of
2-57 which was ratified at the election.

2-58 (b) The temporary directors shall serve at large until the
2-59 next general election of directors of the district under Section
2-60 8802.052.

2-61 SECTION 1A.04. Subsection (a), Section 8802.105, Special
2-62 District Local Laws Code, is amended to read as follows:

2-63 (a) Each year the board may assess against the City of
2-64 Austin a water use fee in an amount not to exceed the lesser of
2-65 \$900,000 or 60 percent of the total funding the district expects to
2-66 receive for the next fiscal year from water use fees assessed
2-67 against Austin and other nonexempt users in that year as computed[
2-68 subject to the computation] under Subsection (b).

2-69 SECTION 1A.05. Sections 8802.051 and 8802.053, Special

3-1 District Local Laws Code, are repealed.

3-2 SECTION 1A.06. (a) Except as provided by Section 1A.01 of
3-3 this Act, this article takes effect on the date the annexation of
3-4 the territory described by Section 2.02 of this Act is ratified at
3-5 an election held under Section 8802.005, Special District Local
3-6 Laws Code, as added by Article 1 of this Act.

3-7 (b) If the annexation of territory is ratified at an
3-8 election described by Subsection (a) of this section, the board of
3-9 directors of the Barton Springs-Edwards Aquifer Conservation
3-10 District shall notify the Texas Commission on Environmental Quality
3-11 of the changes in territory and board members.

3-12 ARTICLE 2. DESCRIPTION OF TERRITORIES

3-13 SECTION 2.01. The territory annexed to the Barton
3-14 Springs-Edwards Aquifer Conservation District under Subsection
3-15 (b), Section 8802.003, Special District Local Laws Code, as added
3-16 by Section 1.01 of this Act, is described as follows:

3-17 (1) 1.8750 acres described as Lot 1, Block 1 of Vanisha
3-18 Development Subdivision, as recorded in Book No. 14, Pages 98-99,
3-19 Hays County, Texas;

3-20 (2) 21.003 acres of land situated in the Thomas G. Allen
3-21 Survey, Hays County, Texas, being a portion of that certain tract of
3-22 land in a deed to South Corridor Park, Ltd., recorded in Document
3-23 No. 00025896, Hays County, Texas; and

3-24 (3) 24.628 acres of land situated in the Elisha Pruett
3-25 Survey, Abstract 23, described in a deed to Hays Consolidated
3-26 Independent School District, recorded in Document No. 05001881,
3-27 Hays County, Texas.

3-28 SECTION 2.02. The territory annexed to the Barton
3-29 Springs-Edwards Aquifer Conservation District if ratified at an
3-30 election under Section 8802.005, Special District Local Laws Code,
3-31 as added by Article 1 of this Act, is described as follows:

3-32 (1) Beginning at the current eastern district boundary and
3-33 the Colorado River, running east along the Colorado River to a point
3-34 where the district boundary intersects Interstate Highway 35, then
3-35 south along Interstate Highway 35 to William Cannon Drive, then
3-36 west along Old Lockhart Road, then north on Congress Avenue, then
3-37 west on Ben White Boulevard, then north on South First Street, then
3-38 east on Elizabeth Street, then north on Congress Avenue following
3-39 along the district boundary to the place of beginning; and

3-40 (2) Beginning at the current western district boundary and
3-41 the Colorado River, then following westerly along the southern
3-42 border of the Colorado River to a point due north of the
3-43 intersection of Weston Lane and Brightman Lane, then south on that
3-44 line to said intersection, then south on Weston Lane to its
3-45 intersection with FM 2244, then west on FM 2244 to its intersection
3-46 with State Highway 71, then west on State Highway 71 until the
3-47 intersection with the extraterritorial jurisdiction limits of the
3-48 City of Bee Cave as of the date of the ratification election under
3-49 Section 8802.005, Special District Local Laws Code, as added by
3-50 Article 1 of this Act, then generally south and west following the
3-51 extraterritorial jurisdiction limits of the City of Bee Cave, to
3-52 exclude the City of Bee Cave and its extraterritorial jurisdiction
3-53 as of the date of the ratification election under Section 8802.005,
3-54 Special District Local Laws Code, as added by Article 1 of this Act,
3-55 until it intersects with State Highway 71, then west on Highway 71
3-56 until it intersects with Bee Creek Road, then north on Bee Creek
3-57 Road until it intersects with Siesta Shores Drive, then due east
3-58 from that intersection to the southern boundary of Lake Travis,
3-59 then following the southern boundary of Lake Travis until it
3-60 intersects the Blanco County line, then following the Blanco County
3-61 line until it intersects the Hays County line, then east along the
3-62 Hays County line until its intersection of the district boundary
3-63 existing before the effective date of this Act, then north
3-64 following the western district boundary to the Colorado River, the
3-65 point of beginning.

3-66 (3) Any boundary reference to a highway, street, road,
3-67 avenue, boulevard, or lane shall mean the center line of the
3-68 boundary.

3-69 SECTION 2.03. If the annexation of territory is ratified by

4-1 an election held under Section 8802.005, Special District Local
4-2 Laws Code, as added by Article 1 of this Act, the territory for
4-3 certain voting districts under Subsections (b) and (c), Section
4-4 8802.0511, and Subsection (c), Section 8802.0545, Special District
4-5 Local Laws Code, as added by Article 1A of this Act, is described as
4-6 follows:

4-7 (1) Beginning at a point where Interstate Highway 35 crosses
4-8 the Colorado River in Travis County, then south along Interstate
4-9 Highway 35 to Slaughter Lane, then west along Slaughter Lane to FM
4-10 1826, then north along FM 1826 to U.S. Highway 290, then east along
4-11 U.S. Highway 290 to Old Bee Cave Road, then northwest along Old Bee
4-12 Cave Road to Travis Cook Road, then north along Travis Cook Road to
4-13 Barton Creek Boulevard, then north along Barton Creek Boulevard to
4-14 FM 2244, then west along FM 2244 to Weston Lane, then north along
4-15 Weston Lane to Brightman Lane, then due north from that
4-16 intersection to the Colorado River, then east along the Colorado
4-17 River to the place of the beginning.

4-18 (2) Any boundary reference to a highway, street, road,
4-19 avenue, boulevard, or lane shall mean the center line of the
4-20 boundary.

4-21 SECTION 2.04. The territory for voting districts under
4-22 Subsection (c-1), Section 8802.053, Special District Local Laws
4-23 Code, as added by Section 1.03 of this Act, is described as follows:

4-24 (1) Beginning at the eastern district boundary and the
4-25 Colorado River, then south along the eastern district boundary to
4-26 the intersection of Interstate Highway 35 and Slaughter Lane; then
4-27 west along Slaughter Lane to the district boundary, then north
4-28 along the district boundary to the Colorado River, then east along
4-29 the Colorado River following the district boundary to the point of
4-30 the beginning.

4-31 (2) Any boundary reference to a highway, street, road,
4-32 avenue, boulevard, or lane shall mean the center line of the
4-33 boundary.

4-34 ARTICLE 3. INTENT, NOTICE, AND EFFECTIVE DATE

4-35 SECTION 3.01. (a) The legal notice of the intention to
4-36 introduce this Act, setting forth the general substance of this
4-37 Act, has been published as provided by law, and the notice and a
4-38 copy of this Act have been furnished to all persons, agencies,
4-39 officials, or entities to which they are required to be furnished
4-40 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-41 Government Code.

4-42 (b) The governor has submitted the notice and Act to the
4-43 Texas Commission on Environmental Quality.

4-44 (c) The Texas Commission on Environmental Quality has filed
4-45 its recommendations relating to this Act with the governor,
4-46 lieutenant governor, and speaker of the house of representatives
4-47 within the required time.

4-48 (d) All requirements of the constitution and laws of this
4-49 state and the rules and procedures of the legislature with respect
4-50 to the notice, introduction, and passage of this Act are fulfilled
4-51 and accomplished.

4-52 SECTION 3.02. Except as provided by Section 1.06, 1A.01, or
4-53 1A.06 of this Act, this Act takes effect immediately if it receives
4-54 a vote of two-thirds of all the members elected to each house, as
4-55 provided by Section 39, Article III, Texas Constitution. If this
4-56 Act does not receive the vote necessary for immediate effect, this
4-57 Act takes effect September 1, 2009, except as provided by Section
4-58 1A.01 or 1A.06 of this Act.

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