

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

CHAPTER 8844. HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8844.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Hill Country Underground Water Conservation District.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.002. NATURE OF DISTRICT. The district is created under Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.003. LEGISLATIVE FINDINGS. The legislature finds that:

- (1) the organization of the district is feasible and practicable;
- (2) the land to be included in the district and the residents of the district will benefit from 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.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.004. DISTRICT TERRITORY. The district is composed of the territory located in Gillespie County, unless the district's territory has been modified under:

- (1) Subchapter B; or

(2) other law.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 22.026, eff. September 1, 2011.

SUBCHAPTER B. ANNEXATION OF TERRITORY

Sec. 8844.051. ANNEXATION OF TERRITORY AUTHORIZED. The board may annex territory to the district as provided by this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.052. PETITION FOR ANNEXATION ELECTION. (a) To initiate a proceeding to annex territory to the district, a written petition requesting that the board call an annexation election must be presented to the board.

(b) The petition must:

(1) define the territory to be annexed; and

(2) be signed by at least 50 percent of the persons who reside in the territory to be annexed according to the most recent federal census.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.053. HEARING; ELECTION ORDER. (a) On receipt of a petition under Section 8844.052, the board shall set a date for a hearing on the petition. The hearing must be set for a date that is not later than the 20th day after the date the board receives the petition.

(b) 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.

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

(d) At the conclusion of the hearing, the board shall determine whether an election should be held to determine whether the territory should be annexed.

(e) If the board determines that an election should be held, the board shall issue an order calling separate elections to be held in the district and in the territory to be annexed to determine whether the territory should be annexed to the district. The board shall hold the elections on the same day at the next uniform election date following the date of the order.

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

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.054. BALLOTS. Ballots for an election called under Section 8844.053 must 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."

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.055. DECLARATION OF ELECTION RESULTS. (a) 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.

(b) If a majority of the voters in the district or in 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.

(c) The board shall file a copy of the election results and declaration with the Texas Commission on Environmental Quality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec.

1.05, eff. April 1, 2011.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8844.101. COMPOSITION OF BOARD. (a) The board is composed of five directors, unless the board is expanded under Subsection (b).

(b) If territory is annexed to the district, the territory annexed is entitled to be represented by one director, and the board shall add one director to the board for that purpose. The board shall appoint an initial director to represent the newly annexed territory. The initial director serves until the first regular meeting of the board following the first regular election of directors subsequent to the annexation of the territory.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.102. TERMS. Directors serve four-year terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.103. QUALIFICATIONS FOR ELECTION; ELIGIBILITY TO SERVE. (a) To be qualified for election as a director, a person must be:

- (1) a resident of the district; and
- (2) at least 18 years of age.

(b) In addition to the requirements of Subsection (a):

(1) to be a director from a county commissioners precinct, a person must be a resident of that precinct; and

(2) to be a director from a specific territory annexed to the district, a person must be a resident of that territory.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.104. ELECTION DATE. Each odd-numbered year, the board shall hold an election in the district on the uniform election date in May to elect the appropriate number of directors. Section

[41.001\(a\)\(2\)](#), Election Code, does not apply to the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 867 (H.B. [3866](#)), Sec. 1, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 383 (H.B. [1819](#)), Sec. 1, eff. June 10, 2015.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8844.151. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except to the extent of a conflict with this chapter or as limited by this chapter, the district is governed by, is subject to, may exercise the powers granted by, and shall exercise the duties provided by Chapter [36](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.152. RECLAMATION. The district may:

- (1) reclaim land in the district; and
- (2) construct works, facilities, and improvements necessary to accomplish that purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.153. SOIL CONSERVATION AND IMPROVEMENT. The district may construct and maintain terraces or other structures on land in the district and may engage in or promote land treatment measures for soil conservation and improvement.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.154. 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 chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec.

1.05, eff. April 1, 2011.

Sec. 8844.155. ACQUISITION OF PROPERTY. The district may acquire any land or property necessary to carry out this chapter by:

- (1) gift;
- (2) grant;
- (3) devise;
- (4) lease;
- (5) purchase; or
- (6) the power of eminent domain.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.156. SALE AND DISPOSAL OF PROPERTY. Subject to this chapter and Chapter [36](#), 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.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.157. APPEARANCE BEFORE RAILROAD COMMISSION. The district, through the directors or the district's general manager, may appear before the Railroad Commission of Texas and present evidence and information related to a pending permit application for an injection well to be located in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8844.158. PROHIBITION: SUPPLY OF GROUNDWATER. The district may not contract to or take an action to supply groundwater inside or outside the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.