

By: Wentworth

S.B. No. 661

A BILL TO BE ENTITLED

AN ACT

relating to the administration, operation, financing, powers, and duties of the Hays Trinity Groundwater Conservation District.

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

SECTION 1. Part 3, Article 3, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 3.03051 to read as follows:

Sec. 3.03051. WELL CONSTRUCTION STANDARDS.

(a) Notwithstanding Sections 3.0304 and 3.0305 of this part or Section 36.117, Water Code, the district may require that any well constructed or altered in the district after September 1, 2007, comply with the construction standards adopted by the district to protect the uniquely layered aquifers the district is mandated to conserve.

(b) The district by rule may adopt well construction standards that are more protective of the groundwater in the aquifers in the district than the minimum standards of this state for well construction. The rules adopted must ensure that a well is drilled, equipped, and maintained in a manner to prevent the commingling of water in different aquifers or the draining of water from a higher aquifer into a lower aquifer.

SECTION 2. Subsection (a), Section 3.0306, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

1 (a) The district annually shall prepare a budget and conduct
2 an audit in accordance with Subchapter E, Chapter 36, Water Code
3 ~~[showing proposed expenditures and disbursements and estimated~~
4 ~~receipts and collections for the next fiscal year and shall hold a~~
5 ~~public hearing on the proposed budget. The district must publish~~
6 ~~notice of the hearing at least once in a newspaper of general~~
7 ~~circulation in the county not later than the 10th day before the~~
8 ~~date of the hearing. A taxpayer of the district is entitled to~~
9 ~~appear at the hearing to be heard regarding any item in the proposed~~
10 ~~budget].~~

11 SECTION 3. Subsections (d) and (g), Section 3.0307, Chapter
12 966, Acts of the 77th Legislature, Regular Session, 2001, are
13 amended to read as follows:

14 (d) Permanent directors serve staggered four-year
15 ~~[two-year]~~ terms.

16 (g) If there is a vacancy on the board, it shall be filled in
17 accordance with Chapter 36.051, Water Code ~~[the Hays County~~
18 ~~Commissioners Court shall appoint a director to serve the remainder~~
19 ~~of the term].~~

20 SECTION 4. Subsection (d), Section 3.0308, Chapter 966,
21 Acts of the 77th Legislature, Regular Session, 2001, is amended to
22 read as follows:

23 (d) The board of ~~[initial or permanent]~~ directors may revise
24 the single-member districts as necessary or appropriate. The board
25 of directors shall revise each single-member district after each
26 federal decennial census to reflect population changes. When the
27 boundaries of the single-member districts are changed, a director

1 in office on the effective date of the change, or elected or
2 appointed before the effective date of the change to a term of
3 office beginning on or after the effective date of the change, is
4 entitled to serve the term or remainder of the term in the
5 single-member district to which elected or appointed even though
6 the change in boundaries places the person's residence outside the
7 single-member district for which the person was elected or
8 appointed [~~At the first election after the single-member districts~~
9 ~~are revised, a new director shall be elected from each district.~~
10 ~~The directors shall draw lots to determine which two directors~~
11 ~~serve one-year terms and which three directors serve two-year~~
12 ~~terms].~~

13 SECTION 5. Part 3, Article 3, Chapter 966, Acts of the 77th
14 Legislature, Regular Session, 2001, is amended by amending Section
15 3.0310 and adding Section 3.03105 to read as follows:

16 Sec. 3.0310. ELECTION OF DIRECTORS. [~~(a)~~] On the uniform
17 election date prescribed by Section 41.001, Election Code, [first
18 Saturday] in May [~~or the first Tuesday after the first Monday in~~
19 ~~November]~~ of each [~~the first]~~ even-numbered year [~~after the year in~~
20 ~~which the district is authorized to be created at a confirmation~~
21 ~~election, an election shall be held in the district for the election~~
22 ~~of three directors to serve two-year terms and two directors to~~
23 ~~serve one-year terms.~~

24 [~~(b) On the first Saturday in May or the first Tuesday after~~
25 ~~the first Monday in November, as applicable, of each subsequent~~
26 ~~second year following the election held under Subsection (a) of~~
27 ~~this section], the appropriate number of directors shall be~~

1 elected.

2 Sec. 3.03105. ELECTION OF DIRECTORS IN 2009. On the uniform
3 election date prescribed by Section 41.001, Election Code, in May
4 2009, an election shall be held in the district for the election of
5 the directors from single-member districts 2 and 4 to serve
6 one-year terms.

7 SECTION 6. Subsection (c), Section 3.0312, Chapter 966,
8 Acts of the 77th Legislature, Regular Session, 2001, is amended to
9 read as follows:

10 (c) Notwithstanding Section 3.0304(a) of this part or
11 Subchapter G, Chapter 36, Water Code, the district may not impose a
12 tax [~~or assess or collect any fees except as authorized by~~
13 ~~Subsection (a) or (b) of this section~~].

14 SECTION 7. Part 3, Article 3, Chapter 966, Acts of the 77th
15 Legislature, Regular Session, 2001, is amended by adding Sections
16 3.03121 and 3.03125 to read as follows:

17 Sec. 3.03121. PRODUCTION FEES. Notwithstanding Section
18 36.205(c), Water Code, to prevent depletion of the aquifers in the
19 district, the district shall set fees for the production of
20 groundwater that promote the conjunctive use of surface water and
21 groundwater and may charge groundwater production fees that make
22 the price of using groundwater consistent with the price of using
23 raw surface water.

24 Sec. 3.03125. USE OF FEES. The district may use fees
25 collected under Section 3.0312 or 3.03121 of this part to pay the
26 administrative and other expenses of the district.

27 SECTION 8. Subsection (d), Section 3.0304, and Subsection

1 (b), Section 3.0306, Chapter 966, Acts of the 77th Legislature,
2 Regular Session, 2001, are repealed.

3 SECTION 9. The Hays Trinity Groundwater Conservation
4 District directors elected from single-member districts 2 and 4 on
5 the uniform election date prescribed by Section 41.001, Election
6 Code, in May 2007 serve the two-year terms to which they were
7 elected.

8 SECTION 10. This Act takes effect September 1, 2007.