

1-1 By: Wentworth S.B. No. 661
1-2 (In the Senate - Filed February 15, 2007; February 28, 2007,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 23, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 23, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 661 By: Eltife

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the administration, operation, financing, powers, and
1-11 duties of the Hays Trinity Groundwater Conservation District.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Part 3, Article 3, Chapter 966, Acts of the 77th
1-14 Legislature, Regular Session, 2001, is amended by adding Section
1-15 3.03051 to read as follows:

1-16 Sec. 3.03051. WELL CONSTRUCTION STANDARDS.

1-17 (a) Notwithstanding Sections 3.0304 and 3.0305 of this part or
1-18 Section 36.117, Water Code, the district may require that any well
1-19 constructed or altered in the district after September 1, 2007,
1-20 comply with the construction standards adopted by the district to
1-21 protect the uniquely layered aquifers the district is mandated to
1-22 conserve.

1-23 (b) The district by rule may adopt well construction
1-24 standards that are more protective of the groundwater in the
1-25 aquifers in the district than the minimum standards of this state
1-26 for well construction. The rules adopted must ensure that a well is
1-27 drilled, equipped, and maintained in a manner to prevent the
1-28 commingling of water in different aquifers or the draining of water
1-29 from a higher aquifer into a lower aquifer.

1-30 SECTION 2. Subsection (a), Section 3.0306, Chapter 966,
1-31 Acts of the 77th Legislature, Regular Session, 2001, is amended to
1-32 read as follows:

1-33 (a) The district annually shall prepare a budget and conduct
1-34 an audit in accordance with Subchapter E, Chapter 36, Water Code
1-35 ~~[showing proposed expenditures and disbursements and estimated~~
1-36 ~~receipts and collections for the next fiscal year and shall hold a~~
1-37 ~~public hearing on the proposed budget. The district must publish~~
1-38 ~~notice of the hearing at least once in a newspaper of general~~
1-39 ~~circulation in the county not later than the 10th day before the~~
1-40 ~~date of the hearing. A taxpayer of the district is entitled to~~
1-41 ~~appear at the hearing to be heard regarding any item in the proposed~~
1-42 ~~budget].~~

1-43 SECTION 3. Subsections (d) and (g), Section 3.0307, Chapter
1-44 966, Acts of the 77th Legislature, Regular Session, 2001, are
1-45 amended to read as follows:

1-46 (d) Permanent directors serve staggered four-year
1-47 ~~[two-year]~~ terms.

1-48 (g) If there is a vacancy on the board, it shall be filled in
1-49 accordance with Chapter 36.051, Water Code [the Hays County
1-50 Commissioners Court shall appoint a director to serve the remainder
1-51 of the term].

1-52 SECTION 4. Subsection (d), Section 3.0308, Chapter 966,
1-53 Acts of the 77th Legislature, Regular Session, 2001, is amended to
1-54 read as follows:

1-55 (d) The board of [initial or permanent] directors may revise
1-56 the single-member districts as necessary or appropriate. The board
1-57 of directors shall revise each single-member district after each
1-58 federal decennial census to reflect population changes. When the
1-59 boundaries of the single-member districts are changed, a director
1-60 in office on the effective date of the change, or elected or
1-61 appointed before the effective date of the change to a term of
1-62 office beginning on or after the effective date of the change, is
1-63 entitled to serve the term or remainder of the term in the

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

2-9 SECTION 5. Part 3, Article 3, Chapter 966, Acts of the 77th
2-10 Legislature, Regular Session, 2001, is amended by amending Section
2-11 3.0310 and adding Section 3.03105 to read as follows:

2-12 Sec. 3.0310. ELECTION OF DIRECTORS. ~~[(a)]~~ On the uniform
2-13 election date prescribed by Section 41.001, Election Code, [first
2-14 Saturday] in May ~~[or the first Tuesday after the first Monday in~~
2-15 ~~November]~~ of each ~~[the first]~~ even-numbered year ~~[after the year in~~
2-16 ~~which the district is authorized to be created at a confirmation~~
2-17 ~~election, an election shall be held in the district for the election~~
2-18 ~~of three directors to serve two-year terms and two directors to~~
2-19 ~~serve one-year terms.~~

2-20 ~~[(b) On the first Saturday in May or the first Tuesday after~~
2-21 ~~the first Monday in November, as applicable, of each subsequent~~
2-22 ~~second year following the election held under Subsection (a) of~~
2-23 ~~this section], the appropriate number of directors shall be~~
2-24 ~~elected.~~

2-25 Sec. 3.03105. ELECTION OF DIRECTORS IN 2009. On the uniform
2-26 election date prescribed by Section 41.001, Election Code, in May
2-27 2009, an election shall be held in the district for the election of
2-28 the directors from single-member districts 2 and 4 to serve
2-29 one-year terms.

2-30 SECTION 6. Subsection (c), Section 3.0312, Chapter 966,
2-31 Acts of the 77th Legislature, Regular Session, 2001, is amended to
2-32 read as follows:

2-33 (c) Notwithstanding Section 3.0304(a) of this part or
2-34 Subchapter G, Chapter 36, Water Code, the district may not impose a
2-35 tax ~~[or assess or collect any fees except as authorized by~~
2-36 ~~Subsection (a) or (b) of this section].~~

2-37 SECTION 7. Part 3, Article 3, Chapter 966, Acts of the 77th
2-38 Legislature, Regular Session, 2001, is amended by adding Sections
2-39 3.03121 and 3.03125 to read as follows:

2-40 Sec. 3.03121. PRODUCTION FEES. Notwithstanding Section
2-41 36.205(c), Water Code, to prevent depletion of the aquifers in the
2-42 district, the district shall set fees for the production of
2-43 groundwater that promote the conjunctive use of surface water and
2-44 groundwater and may charge groundwater production fees that make
2-45 the price of using groundwater consistent with the price of using
2-46 raw surface water.

2-47 Sec. 3.03125. USE OF FEES. The district may use fees
2-48 collected under Section 3.0312 or 3.03121 of this part to pay the
2-49 administrative and other expenses of the district.

2-50 SECTION 8. Subsection (d), Section 3.0304, and Subsection
2-51 (b), Section 3.0306, Chapter 966, Acts of the 77th Legislature,
2-52 Regular Session, 2001, are repealed.

2-53 SECTION 9. The Hays Trinity Groundwater Conservation
2-54 District directors elected from single-member districts 2 and 4 on
2-55 the uniform election date prescribed by Section 41.001, Election
2-56 Code, in May 2007 serve the two-year terms to which they were
2-57 elected.

2-58 SECTION 10. This Act takes effect September 1, 2007.

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