

## **BILL ANALYSIS**

S.B. 1209  
By: Fraser  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the Middle Trinity Groundwater Conservation District ("MTGCD") manages and conserves the groundwater resources of Erath and Comanche counties. Based on a recent Central Texas-Trinity Aquifer Priority Groundwater Management Area study and designation by the Texas Commission on Environmental Quality and the increased awareness of groundwater issues in Central Texas, several counties have approached MTGCD to discuss the annexation of the counties into MTGCD.

S.B. 1209 amends the MTGCD's enabling Act to add Sections 11A (Composition of Board and Election Directors Following Annexation of One or Two Counties) and 11B (Composition of Board and Election Directors Following Annexation of One or Two Counties). S.B. 1209 provides that any rules adopted by MTGCD apply to all persons and entities

### **RULEMAKING AUTHORITY**

It is the Committee's opinion that rulemaking authority is expressly granted to the Middle Trinity Groundwater Conservation District in SECTION 7 (Section 13, Acts of the 77th Legislature, Regular Session, 2001) of this bill.

### **ANALYSIS**

SECTION 1. Amends Section 2, Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 2. New heading: DEFINITIONS. Defines "board" and "director." Makes a nonsubstantive change.

SECTION 2. Amends Section 6, Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, by amending Subsection (a) and adding Subsection (g), as follows:

(a) Provides that the Middle Trinity Groundwater Conservation District ("MTGCD") is governed by a board of six directors, except as provided by Sections 10, 11A, and 11B of this Act. Makes nonsubstantive changes.

(g) Provides that Section 36.051(a) (relating to the requirements of the board of directors), Water Code, does not apply to MTGCD.

SECTION 3. Amends Section 9, Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires three directors to be elected from each county in MTGCD, except as provided by Subsection (c) of this section and Sections 10 and 11B of this Act. Makes nonsubstantive changes.

(c) Authorizes the board by resolution to change the number of directors elected from a county in MTGCD for the purpose of equalizing representation of the residents of the MTGCD.

SECTION 4. Amends Section 11(b), Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, to require that the appropriate number of directors be elected on the uniform election date in May of each even-numbered year, except as provided by Sections 11A and 11B of this Act. Deletes existing text requiring that the appropriate number of directors be elected on the first Saturday in May of each subsequent second year following the election.

SECTION 5. Amends Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 11A, as follows:

Sec. 11A. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS FOLLOWING ANNEXATION OF ONE OR TWO COUNTIES. (a) Provides that this section applies only following the annexation by MTGCD under Subchapter J (Adding Territory to District), Chapter 36 (Groundwater Conservation Districts), Water Code, after January 1, 2009, of the territory of one or two additional counties.

(b) Requires the commissioners court of the annexed county to appoint three temporary directors to MTGCD's board of directors (board) not later than the 90th day after the date of an election in which the annexation of a county to MTGCD is ratified by a majority vote of the voters of that county. Provides that temporary directors serve until initial permanent directors are elected under Subsection (c).

(c) Requires initial permanent directors to be elected from a county that is annexed by MTGCD on the uniform election date in May of the first odd-numbered year following the election in which annexation of that county is ratified. Requires the initial permanent directors from the county to draw lots to determine who will serve a four-year term and who will serve a two-year term.

(d) Requires that the appropriate number of directors from a county that is annexed by MTGCD be elected on the uniform election date in May of each odd-numbered year following the election of initial permanent directors under Subsection (c).

SECTION 6. Amends Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 11B, as follows:

Sec. 11B. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS FOLLOWING ANNEXATION OF MORE THAN TWO COUNTIES. (a) Provides that this section applies only following the annexation by MTGCD under Subchapter J, Chapter 36, Water Code, after January 1, 2009, of the territory of a third additional county or the simultaneous or subsequent annexation of the territory of other additional counties.

(b) Requires that two directors, after annexation, be elected from each county in MTGCD as provided by this section.

(c) Requires the commissioners court of each annexed county to appoint two temporary directors to the board not later than the 90th day after the date of an election in which the annexation of a county is ratified by a majority vote of the voters of that county. Provides that temporary directors serve until initial permanent directors are elected under Subsection (d).

(d) Requires initial permanent directors to be elected from any county that is annexed by MTGCD on the uniform election date in May of the first odd-numbered year following the election in which annexation of that county is ratified. Requires the initial permanent directors from the county to draw lots to determine who will serve a four-year term and who will serve a two-year term.

(e) Provides that on the date of the next regularly scheduled directors' election in an even-numbered year following the election in which annexation of a county is ratified one director position from Comanche County and one director position

from Erath County are abolished and the terms of the directors serving in those positions expire on the date of the election.

(f) Provides that on the date of the next regularly scheduled directors' election in an odd-numbered year following the election in which annexation of the county is ratified one director position from each of the first two counties annexed by MTGCD after January 1, 2009, is abolished and the terms of the directors serving in those positions expire on the date of the election.

(g) Requires the directors of the county to draw lots to determine which position is required to be abolished in accordance with Subsections (e) and (f) if more than one position described by Subsection(e)(1) or (f)(1) is scheduled for election in Comanche County, Erath County, or one of the first two counties annexed by MTGCD after January 1, 2009.

(h) Requires that the appropriate number of directors from a county that is annexed by MTGCD be elected on the uniform election date in May of each odd-numbered year following the election of initial permanent directors under Subsection (d).

SECTION 7. Amends Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 13, as follows:

Sec. 13. DISTRICT RULES; ENFORCEMENT. (a) Provides that any rules adopted by MTGCD as authorized by this Act and Chapter 36, Water Code, apply to all persons and entities except as exempted under Section 36.117 (Exemptions; Exception; Limitations), Water Code.

(b) Authorizes MTGCD to enforce its rules and provisions of Chapter 36, Water Code, in the manner authorized by Chapter 36, Water Code. Authorizes MTGCD to impose a fee on a person or entity for violation of a rule of MTGCD or failure to comply with an order issued by MTGCD in addition to the remedies under Section 36.102 (Enforcement of Rules), Water Code.

SECTION 8. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality ("TCEQ").

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 9. Provides the effective date of this Act .

#### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.