

By: Miller of Erath

H.B. No. 2340

Substitute the following for H.B. No. 2340:

By: Frost

C.S.H.B. No. 2340

A BILL TO BE ENTITLED

AN ACT

relating to the Middle Trinity Groundwater Conservation District.

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

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

Sec. 2. DEFINITIONS [~~DEFINITION~~]. In this Act:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" [~~,"district"~~] means the Middle Trinity Groundwater Conservation District.

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

(a) Except as provided by Sections [~~Section~~] 10, 11A, and 11B of this Act, the district is governed by a board of six directors.

(g) Section 36.051(a), Water Code, does not apply to the district.

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

(a) Except as provided by Subsection (c) of this section and Sections [~~Section~~] 10 and 11B of this Act, three directors shall be elected from each county in the district.

1 (c) The board by resolution may change the number of
2 directors elected from a county in the district for the purpose of
3 equalizing representation of the residents of the district.

4 SECTION 4. Section 11(b), Chapter 1362, Acts of the 77th
5 Legislature, Regular Session, 2001, is amended to read as follows:

6 (b) Except as provided by Sections 11A and 11B of this Act,
7 on ~~On~~ the uniform election date ~~[first Saturday]~~ in May of each
8 even-numbered ~~[subsequent second]~~ year ~~[following the election],~~
9 the appropriate number of directors shall be elected.

10 SECTION 5. Chapter 1362, Acts of the 77th Legislature,
11 Regular Session, 2001, is amended by adding Section 11A to read as
12 follows:

13 Sec. 11A. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS
14 FOLLOWING ANNEXATION OF ONE OR TWO COUNTIES. (a) This section
15 applies only following the annexation by the district under
16 Subchapter J, Chapter 36, Water Code, after January 1, 2009, of the
17 territory of one or two additional counties.

18 (b) Not later than the 90th day after the date of an election
19 in which the annexation of a county to the district is ratified by a
20 majority vote of the voters of that county, the commissioners court
21 of the annexed county shall appoint three temporary directors to
22 the board. Temporary directors serve until initial permanent
23 directors are elected under Subsection (c).

24 (c) Initial permanent directors shall be elected from a
25 county that is annexed by the district on the uniform election date
26 in May of the first odd-numbered year following the election in
27 which annexation of that county is ratified. The initial permanent

1 directors from the county shall draw lots to determine who will
2 serve a four-year term and who will serve a two-year term.

3 (d) On the uniform election date in May of each odd-numbered
4 year following the election of initial permanent directors under
5 Subsection (c), the appropriate number of directors from a county
6 that is annexed by the district shall be elected.

7 SECTION 6. Chapter 1362, Acts of the 77th Legislature,
8 Regular Session, 2001, is amended by adding Section 11B to read as
9 follows:

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

17 (b) After annexation, two directors shall be elected from
18 each county in the district as provided by this section.

19 (c) Not later than the 90th day after the date of an election
20 in which the annexation of a county is ratified by a majority vote
21 of the voters of that county, the commissioners court of each
22 annexed county shall appoint two temporary directors to the board.
23 Temporary directors serve until initial permanent directors are
24 elected under Subsection (d).

25 (d) Initial permanent directors shall be elected from any
26 county that is annexed by the district on the uniform election date
27 in May of the first odd-numbered year following the election in

1 which annexation of that county is ratified. The initial permanent
2 directors from the county shall draw lots to determine who will
3 serve a four-year term and who will serve a two-year term.

4 (e) On the date of the next regularly scheduled directors'
5 election in an even-numbered year following the election in which
6 annexation of a county is ratified:

7 (1) one director position from Comanche County and one
8 director position from Erath County are abolished; and

9 (2) the terms of the directors serving in those
10 positions expire on the date of the election.

11 (f) On the date of the next regularly scheduled directors'
12 election in an odd-numbered year following the election in which
13 annexation of the county is ratified:

14 (1) one director position from each of the first two
15 counties annexed by the district after January 1, 2009, is
16 abolished; and

17 (2) the terms of the directors serving in those
18 positions expire on the date of the election.

19 (g) If more than one position described by Subsection (e)(1)
20 or (f)(1) is scheduled for election in Comanche County, Erath
21 County, or one of the first two counties annexed by the district
22 after January 1, 2009, the directors of the county shall draw lots
23 to determine which position shall be abolished in accordance with
24 Subsections (e) and (f).

25 (h) On the uniform election date in May of each odd-numbered
26 year following the election of initial permanent directors under
27 Subsection (d), the appropriate number of directors from a county

1 that is annexed by the district shall be elected.

2 SECTION 7. Chapter 1362, Acts of the 77th Legislature,
3 Regular Session, 2001, is amended by adding Section 13 to read as
4 follows:

5 Sec. 13. DISTRICT RULES; ENFORCEMENT. (a) Any rules
6 adopted by the district as authorized by this Act and Chapter 36,
7 Water Code, apply to all persons and entities except as exempted
8 under Section 36.117, Water Code.

9 (b) The district may enforce its rules and the provisions of
10 Chapter 36, Water Code, in the manner authorized by Chapter 36,
11 Water Code. In addition to the remedies under Section 36.102, Water
12 Code, the district may impose a fee on a person or entity for
13 violation of a rule of the district or failure to comply with an
14 order issued by the district.

15 SECTION 8. (a) The legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
21 Government Code.

22 (b) The governor, one of the required recipients, has
23 submitted the notice and Act to the Texas Commission on
24 Environmental Quality.

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

2 (d) All requirements of the constitution and laws of this
3 state and the rules and procedures of the legislature with respect
4 to the notice, introduction, and passage of this Act are fulfilled
5 and accomplished.

6 SECTION 9. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.