

By: Fraser

S.B. No. 1209

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(a), Chapter 1362, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

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

SECTION 4. Section 11(b), Chapter 1362, Acts of the 77th

1 Legislature, Regular Session, 2001, is amended to read as follows:

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

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

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

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

20 (c) Initial permanent directors shall be elected from a  
21 county that is annexed by the district on the uniform election date  
22 in May of the first odd-numbered year following the election in  
23 which annexation of that county is ratified. The initial permanent  
24 directors from the county shall draw lots to determine who will  
25 serve a four-year term and who will serve a two-year term.

26 (d) On the uniform election date in May of each odd-numbered  
27 year following the election of initial permanent directors under

1 Subsection (c), the appropriate number of directors from a county  
2 that is annexed by the district shall be elected.

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

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

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

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

21 (d) Initial permanent directors shall be elected from any  
22 county that is annexed by the district on the uniform election date  
23 in May of the first odd-numbered year following the election in  
24 which annexation of that county is ratified. The initial permanent  
25 directors from the county shall draw lots to determine who will  
26 serve a four-year term and who will serve a two-year term.

27 (e) On the date of the next regularly scheduled directors'

1 election in an even-numbered year following the election in which  
2 annexation of a county is ratified:

3 (1) one director position from Comanche County and one  
4 director position from Erath County are abolished; and

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

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

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

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

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

21 (h) On the uniform election date in May of each odd-numbered  
22 year following the election of initial permanent directors under  
23 Subsection (d), the appropriate number of directors from a county  
24 that is annexed by the district shall be elected.

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

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

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

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

18       (b) The governor, one of the required recipients, has  
19 submitted the notice and Act to the Texas Commission on  
20 Environmental Quality.

21       (c) The Texas Commission on Environmental Quality has filed  
22 its recommendations relating to this Act with the governor, the  
23 lieutenant governor, and the speaker of the house of  
24 representatives within the required time.

25       (d) All requirements of the constitution and laws of this  
26 state and the rules and procedures of the legislature with respect  
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

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