

1-1 By: Fraser S.B. No. 1209
1-2 (In the Senate - Filed February 27, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 30, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 30, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1209 By: Jackson

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

1-10 relating to the Middle Trinity Groundwater Conservation District.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 2, Chapter 1362, Acts of the 77th
1-13 Legislature, Regular Session, 2001, is amended to read as follows:
1-14 Sec. 2. DEFINITIONS [DEFINITION]. In this Act:
1-15 (1) "Board" means the district's board of directors.
1-16 (2) "Director" means a board member.
1-17 (3) "District" [~~,"district"~~] means the Middle Trinity
1-18 Groundwater Conservation District.
1-19 SECTION 2. Section 6, Chapter 1362, Acts of the 77th
1-20 Legislature, Regular Session, 2001, is amended by amending
1-21 Subsection (a) and adding Subsection (g) to read as follows:
1-22 (a) Except as provided by Sections [~~Section~~] 10, 11A, and
1-23 11B of this Act, the district is governed by a board of six
1-24 directors.
1-25 (g) Section 36.051(a), Water Code, does not apply to the
1-26 district.
1-27 SECTION 3. Section 9, Chapter 1362, Acts of the 77th
1-28 Legislature, Regular Session, 2001, is amended by amending
1-29 Subsection (a) and adding Subsection (c) to read as follows:
1-30 (a) Except as provided by Subsection (c) of this section and
1-31 Sections [~~Section~~] 10 and 11B of this Act, three directors shall be
1-32 elected from each county in the district.
1-33 (c) The board by resolution may change the number of
1-34 directors elected from a county in the district for the purpose of
1-35 equalizing representation of the residents of the district.
1-36 SECTION 4. Subsection (b), Section 11, Chapter 1362, Acts
1-37 of the 77th Legislature, Regular Session, 2001, is amended to read
1-38 as follows:
1-39 (b) Except as provided by Sections 11A and 11B of this Act,
1-40 on [~~On~~] the uniform election date [~~first Saturday~~] in May of each
1-41 even-numbered [~~subsequent second~~] year [~~following the election~~],
1-42 the appropriate number of directors shall be elected.
1-43 SECTION 5. Chapter 1362, Acts of the 77th Legislature,
1-44 Regular Session, 2001, is amended by adding Section 11A to read as
1-45 follows:
1-46 Sec. 11A. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS
1-47 FOLLOWING ANNEXATION OF ONE OR TWO COUNTIES. (a) This section
1-48 applies only following the annexation by the district under
1-49 Subchapter J, Chapter 36, Water Code, after January 1, 2009, of the
1-50 territory of one or two additional counties.
1-51 (b) Not later than the 90th day after the date of an election
1-52 in which the annexation of a county to the district is ratified by a
1-53 majority vote of the voters of that county, the commissioners court
1-54 of the annexed county shall appoint three temporary directors to
1-55 the board. Temporary directors serve until initial permanent
1-56 directors are elected under Subsection (c) of this section.
1-57 (c) Initial permanent directors shall be elected from a
1-58 county that is annexed by the district on the uniform election date
1-59 in May of the first odd-numbered year following the election in
1-60 which annexation of that county is ratified. The initial permanent
1-61 directors from the county shall draw lots to determine who will
1-62 serve a four-year term and who will serve a two-year term.
1-63 (d) On the uniform election date in May of each odd-numbered

2-1 year following the election of initial permanent directors under
 2-2 Subsection (c) of this section, the appropriate number of directors
 2-3 from a county that is annexed by the district shall be elected.

2-4 SECTION 6. Chapter 1362, Acts of the 77th Legislature,
 2-5 Regular Session, 2001, is amended by adding Section 11B to read as
 2-6 follows:

2-7 Sec. 11B. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS
 2-8 FOLLOWING ANNEXATION OF MORE THAN TWO COUNTIES. (a) This section
 2-9 applies only following the annexation by the district under
 2-10 Subchapter J, Chapter 36, Water Code, after January 1, 2009, of the
 2-11 territory of a third additional county or the simultaneous or
 2-12 subsequent annexation of the territory of other additional
 2-13 counties.

2-14 (b) After annexation, two directors shall be elected from
 2-15 each county in the district as provided by this section.

2-16 (c) Not later than the 90th day after the date of an election
 2-17 in which the annexation of a county is ratified by a majority vote
 2-18 of the voters of that county, the commissioners court of each
 2-19 annexed county shall appoint two temporary directors to the board.
 2-20 Temporary directors serve until initial permanent directors are
 2-21 elected under Subsection (d) of this section.

2-22 (d) Initial permanent directors shall be elected from any
 2-23 county that is annexed by the district on the uniform election date
 2-24 in May of the first odd-numbered year following the election in
 2-25 which annexation of that county is ratified. The initial permanent
 2-26 directors from the county shall draw lots to determine who will
 2-27 serve a four-year term and who will serve a two-year term.

2-28 (e) On the date of the next regularly scheduled directors'
 2-29 election in an even-numbered year following the election in which
 2-30 annexation of a county is ratified:

2-31 (1) one director position from Comanche County and one
 2-32 director position from Erath County are abolished; and

2-33 (2) the terms of the directors serving in those
 2-34 positions expire on the date of the election.

2-35 (f) On the date of the next regularly scheduled directors'
 2-36 election in an odd-numbered year following the election in which
 2-37 annexation of the county is ratified:

2-38 (1) one director position from each of the first two
 2-39 counties annexed by the district after January 1, 2009, is
 2-40 abolished; and

2-41 (2) the terms of the directors serving in those
 2-42 positions expire on the date of the election.

2-43 (g) If more than one position described by Subsection (e)(1)
 2-44 or (f)(1) of this section is scheduled for election in Comanche
 2-45 County, Erath County, or one of the first two counties annexed by
 2-46 the district after January 1, 2009, the directors of the county
 2-47 shall draw lots to determine which position shall be abolished in
 2-48 accordance with Subsections (e) and (f) of this section.

2-49 (h) On the uniform election date in May of each odd-numbered
 2-50 year following the election of initial permanent directors under
 2-51 Subsection (d) of this section, the appropriate number of directors
 2-52 from a county that is annexed by the district shall be elected.

2-53 SECTION 7. Chapter 1362, Acts of the 77th Legislature,
 2-54 Regular Session, 2001, is amended by adding Section 13 to read as
 2-55 follows:

2-56 Sec. 13. DISTRICT RULES; ENFORCEMENT. (a) Any rules
 2-57 adopted by the district as authorized by this Act and Chapter 36,
 2-58 Water Code, apply to all persons and entities except as exempted
 2-59 under Section 36.117, Water Code.

2-60 (b) The district may enforce its rules and the provisions of
 2-61 Chapter 36, Water Code, in the manner authorized by Chapter 36,
 2-62 Water Code. In addition to the remedies under Section 36.102, Water
 2-63 Code, the district may impose a fee on a person or entity for
 2-64 violation of a rule of the district or failure to comply with an
 2-65 order issued by the district.

2-66 SECTION 8. (a) The legal notice of the intention to
 2-67 introduce this Act, setting forth the general substance of this
 2-68 Act, has been published as provided by law, and the notice and a
 2-69 copy of this Act have been furnished to all persons, agencies,

3-1 officials, or entities to which they are required to be furnished
3-2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-3 Government Code.

3-4 (b) The governor, one of the required recipients, has
3-5 submitted the notice and Act to the Texas Commission on
3-6 Environmental Quality.

3-7 (c) The Texas Commission on Environmental Quality has filed
3-8 its recommendations relating to this Act with the governor, the
3-9 lieutenant governor, and the speaker of the house of
3-10 representatives within the required time.

3-11 (d) All requirements of the constitution and laws of this
3-12 state and the rules and procedures of the legislature with respect
3-13 to the notice, introduction, and passage of this Act are fulfilled
3-14 and accomplished.

3-15 SECTION 9. This Act takes effect immediately if it receives
3-16 a vote of two-thirds of all the members elected to each house, as
3-17 provided by Section 39, Article III, Texas Constitution. If this
3-18 Act does not receive the vote necessary for immediate effect, this
3-19 Act takes effect September 1, 2009.

3-20

* * * * *