

Chapter 1248

AN ACT

1
2 relating to the name and confirmation of, and to certain fees
3 imposed by, the McLennan County Groundwater Conservation District
4 and to the authority to create certain adjacent groundwater
5 conservation districts.

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

7 SECTION 1. The heading to Chapter 8821, Special District
8 Local Laws Code, is amended to read as follows:

9 CHAPTER 8821. SOUTHERN TRINITY [~~MCLENNAN COUNTY~~]
10 GROUNDWATER CONSERVATION DISTRICT

11 SECTION 2. Subdivision (3), Section 8821.001, Special
12 District Local Laws Code, is amended to read as follows:

13 (3) "District" means the Southern Trinity [~~McLennan~~
14 ~~County~~] Groundwater Conservation District.

15 SECTION 3. Section 8821.002, Special District Local Laws
16 Code, is amended to read as follows:

17 Sec. 8821.002. NATURE OF DISTRICT. The district is a
18 groundwater conservation district in McLennan County created under
19 and essential to accomplish the purposes of Section 59, Article
20 XVI, Texas Constitution. The district is located in a priority
21 groundwater management area designated by the Texas Commission on
22 Environmental Quality pursuant to Section 35.008, Water Code.

23 SECTION 4. Section 8821.024, Special District Local Laws
24 Code, is amended to read as follows:

1 Sec. 8821.024. INITIAL DIRECTORS. (a) The [~~If creation of~~
2 ~~the district is confirmed at an election held under Section~~
3 ~~8821.023, the~~] temporary directors are [~~become~~] the initial
4 directors and serve for the terms provided by Subsection (b).

5 (b) The initial directors representing commissioners
6 precincts 2 and 4 serve a term expiring on December 31, 2011
7 [~~following the expiration of two years after the date of the~~
8 ~~confirmation election~~], and the initial directors representing
9 commissioners precincts 1 and 3 and the at-large director serve a
10 term expiring on December 31, 2013 [~~following the expiration of~~
11 ~~four years after the date of the confirmation election~~].

12 SECTION 5. Section 8821.025, Special District Local Laws
13 Code, is amended to read as follows:

14 Sec. 8821.025. EXPIRATION OF SUBCHAPTER. This subchapter
15 expires December 31, 2013 [~~September 1, 2012~~].

16 SECTION 6. Section 8821.152, Special District Local Laws
17 Code, is amended to read as follows:

18 Sec. 8821.152. DISTRICT REVENUES. (a) The district by
19 rule, resolution, or order may establish, amend, pledge, encumber,
20 expend the proceeds from, and assess to any person fees for services
21 or production fees based on the amount of groundwater authorized by
22 permit to be withdrawn from a well, or on the amount of water
23 actually withdrawn, to enable the district to fulfill its purposes
24 and regulatory functions as provided by this chapter. The district
25 may use revenues generated by fees it assesses for any lawful
26 purpose.

27 (b) Notwithstanding any provision of general law to the

J De
1 Dec

1 contrary, a fee authorized by Subsection (a) may not exceed:

2 (1) \$1 per acre-foot annually for groundwater used for
3 agricultural purposes; or

4 (2) 30 cents per thousand gallons annually for
5 groundwater used for nonagricultural purposes.

6 (c) Notwithstanding any provision of general law or this
7 chapter to the contrary, if any, the district may assess a
8 production fee under this section for groundwater produced from a
9 well or class of wells exempt from permitting under Section 36.117,
10 Water Code, except for a well exempt from permitting under Section
11 36.117(b)(1), Water Code. A production fee assessed by the
12 district under this subsection must be based on the amount of
13 groundwater actually withdrawn from the well and may not exceed the
14 amount established by the district for permitted uses under
15 Subsection (b)(2) of this section [~~FEES. The district may impose a~~
16 ~~user fee to pay for the creation and operation of the district,~~
17 ~~including permit hearings. The district may not impose a fee for~~
18 ~~agricultural use that is more than 20 percent of the rate for~~
19 ~~municipal use].~~

20 SECTION 7. The following provisions of the Special District
21 Local Laws Code are repealed:

- 22 (1) Subsection (c), Section 8821.021; and
- 23 (2) Sections 8821.003 and 8821.023.

24 SECTION 8. Notwithstanding Sections 35.012 and 36.0151,
25 Water Code, the Texas Commission on Environmental Quality shall
26 not, before September 1, 2011, create a groundwater conservation
27 district:

J. D. P. R. E.

S.B. No. 2513

1 (1) in the priority groundwater management area in
2 which the Southern Trinity Groundwater Conservation District is
3 located; or

4 (2) in a priority groundwater management area that is
5 adjacent to the priority groundwater management area in which the
6 Southern Trinity Groundwater Conservation District is located.

7 SECTION 9. (a) The legal notice of the intention to
8 introduce this Act, setting forth the general substance of this
9 Act, has been published as provided by law, and the notice and a
10 copy of this Act have been furnished to all persons, agencies,
11 officials, or entities to which they are required to be furnished
12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
13 Government Code.

14 (b) The governor, one of the required recipients, has
15 submitted the notice and Act to the Texas Commission on
16 Environmental Quality.

17 (c) The Texas Commission on Environmental Quality has filed
18 its recommendations relating to this Act with the governor, the
19 lieutenant governor, and the speaker of the house of
20 representatives within the required time.

21 (d) All requirements of the constitution and laws of this
22 state and the rules and procedures of the legislature with respect
23 to the notice, introduction, and passage of this Act are fulfilled
24 and accomplished.

25 SECTION 10. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

file
piece

S.B. No. 2513

1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2009.

David Newkirk

President of the Senate

Jim Strawn

Speaker of the House

I hereby certify that S.B. No. 2513 passed the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0; May 28, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 2513 passed the House, with amendment, on May 19, 2009, by the following vote: Yeas 145, Nays 0, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 143, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

JUN 19 2009

Colby Shuter III