

1-1 By: Brimer S.B. No. 2052
1-2 (In the Senate - Filed May 4, 2007; May 7, 2007, read first
1-3 time and referred to Committee on Natural Resources; May 11, 2007,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; May 11, 2007, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2052 By: Brimer

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the Northern Trinity Groundwater
1-10 Conservation District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle H, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8820 to read as follows:

1-14 CHAPTER 8820. NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8820.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Northern Trinity Groundwater
1-20 Conservation District.

1-21 Sec. 8820.002. NATURE OF DISTRICT. The district is a
1-22 groundwater conservation district in Tarrant County created under
1-23 Section 59, Article XVI, Texas Constitution.

1-24 Sec. 8820.003. DISTRICT TERRITORY. The boundaries of the
1-25 district are coextensive with the boundaries of Tarrant County.

1-26 Sec. 8820.004. CONFIRMATION ELECTION NOT REQUIRED. The
1-27 board is not required to hold an election to confirm the district's
1-28 creation.

1-29 [Sections 8820.005-8820.050 reserved for expansion]

1-30 SUBCHAPTER B. BOARD OF DIRECTORS

1-31 Sec. 8820.051. GOVERNING BODY; TERMS. (a) The district is
1-32 governed by a board of five directors.

1-33 (b) Directors serve staggered four-year terms.

1-34 Sec. 8820.052. APPOINTMENT OF DIRECTORS. (a) The Tarrant
1-35 County Commissioners Court shall appoint one director from each of
1-36 the four commissioners precincts in the county to represent the
1-37 precinct in which the director resides.

1-38 (b) The county judge of Tarrant County shall appoint one
1-39 director who resides in the district to represent the district at
1-40 large.

1-41 Sec. 8820.053. INITIAL DIRECTORS. (a) Not later than the
1-42 45th day after the effective date of this chapter:

1-43 (1) the Tarrant County Commissioners Court shall
1-44 appoint one director from each of the four commissioners precincts
1-45 in the county to represent the precinct in which the director
1-46 resides; and

1-47 (2) the county judge of Tarrant County shall appoint
1-48 one director who resides in the district to represent the district
1-49 at large.

1-50 (b) The initial board may agree on which three directors
1-51 serve four-year terms that expire at the end of the calendar year
1-52 following the fourth anniversary of the effective date of this
1-53 chapter, and which two directors serve two-year terms that expire
1-54 at the end of the calendar year following the second anniversary of
1-55 the effective date of this chapter. If the initial board cannot
1-56 agree, the directors shall draw lots to determine which three
1-57 directors serve the four-year terms and which two directors serve
1-58 the two-year terms.

1-59 (c) This section expires September 1, 2014.

1-60 [Sections 8820.054-8820.100 reserved for expansion]

1-61 SUBCHAPTER C. POWERS AND DUTIES

1-62 Sec. 8820.101. GROUNDWATER CONSERVATION DISTRICT POWERS
1-63 AND DUTIES. The district has the powers and duties provided by the

2-1 general law of this state, including Chapter 36, Water Code,
2-2 applicable to groundwater conservation districts created under
2-3 Section 59, Article XVI, Texas Constitution.

2-4 Sec. 8820.102. NO EMINENT DOMAIN POWER. The district may
2-5 not exercise the power of eminent domain.

2-6 Sec. 8820.103. DISTRICT TERRITORY REQUIREMENTS;
2-7 DISSOLUTION OF DISTRICT. (a) On September 1, 2011, the district
2-8 boundaries must include at least one county adjacent to Tarrant
2-9 County.

2-10 (b) As soon as practicable after September 1, 2011, the
2-11 Texas Commission on Environmental Quality shall determine whether
2-12 the district complies with Subsection (a).

2-13 (c) If the Texas Commission on Environmental Quality
2-14 determines that the district does not comply with Subsection (a),
2-15 the commission shall dissolve the district in accordance with
2-16 Sections 36.304, 36.305, 36.307, 36.308, 36.309, and 36.310, Water
2-17 Code, regardless of whether the district meets the criteria for
2-18 dissolution under Section 36.304(a), Water Code.

2-19 (d) This section expires September 1, 2013.

2-20 Sec. 8820.104. REGISTRATION AND REPORTING REQUIREMENTS FOR
2-21 CERTAIN EXEMPT WELLS. The district may adopt rules that require the
2-22 owner or operator of a well or class of wells exempt from permitting
2-23 under Section 36.117, Water Code, to register the well with the
2-24 district and, if the well is not exempt under Section 36.117(b)(1),
2-25 Water Code, to report groundwater withdrawals from the well using
2-26 reasonable and appropriate reporting methods and frequency.

2-27 Sec. 8820.105. WELL-SPACING RULES; EXEMPTIONS.

2-28 (a) Except as provided by Subsection (b), the district shall
2-29 exempt from the well-spacing requirements adopted by the district
2-30 any well that is completed on or before the effective date of those
2-31 requirements.

2-32 (b) The district may provide by rule that a well may lose its
2-33 exemption under this section if the well is modified in a manner
2-34 that substantially increases the capacity of the well after the
2-35 effective date of the well-spacing requirements adopted by the
2-36 district.

2-37 (c) Except as provided by this section, the district may
2-38 require any well or class of wells exempt from permitting under
2-39 Chapter 36, Water Code, to comply with the well-spacing
2-40 requirements adopted by the district. The district shall apply
2-41 well-spacing requirements uniformly to any well or class of wells
2-42 based on the size or capacity of the well and without regard to the
2-43 type of use of the groundwater produced by the well.

2-44 [Sections 8820.106-8820.150 reserved for expansion]

2-45 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-46 Sec. 8820.151. TAXES AND BONDS PROHIBITED. The district
2-47 may not impose a tax or issue bonds.

2-48 SECTION 2. (a) The legal notice of the intention to
2-49 introduce this Act, setting forth the general substance of this
2-50 Act, has been published as provided by law, and the notice and a
2-51 copy of this Act have been furnished to all persons, agencies,
2-52 officials, or entities to which they are required to be furnished
2-53 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-54 Government Code.

2-55 (b) The governor has submitted the notice and Act to the
2-56 Texas Commission on Environmental Quality.

2-57 (c) The Texas Commission on Environmental Quality has filed
2-58 its recommendations relating to this Act with the governor, the
2-59 lieutenant governor, and the speaker of the house of
2-60 representatives within the required time.

2-61 (d) All requirements of the constitution and laws of this
2-62 state and the rules and procedures of the legislature with respect
2-63 to the notice, introduction, and passage of this Act are fulfilled
2-64 and accomplished.

2-65 SECTION 3. This Act takes effect immediately if it receives
2-66 a vote of two-thirds of all the members elected to each house, as
2-67 provided by Section 39, Article III, Texas Constitution. If this
2-68 Act does not receive the vote necessary for immediate effect, this
2-69 Act takes effect September 1, 2007.

* * * * *