

SENATE AMENDMENTS

2nd Printing

By: Geren

H.B. No. 4028

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Northern Trinity Groundwater Conservation District.

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

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

CHAPTER 8820. NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8820.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Northern Trinity Groundwater Conservation District.

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

Sec. 8820.003. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Tarrant County.

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

[Sections 8820.005-8820.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8820.051. GOVERNING BODY; TERMS. (a) The district is

1 governed by a board of five directors.

2 (b) Directors serve staggered four-year terms.

3 Sec. 8820.052. APPOINTMENT OF DIRECTORS. (a) The Tarrant
4 County Commissioners Court shall appoint one director from each of
5 the four commissioners precincts in the county to represent the
6 precinct in which the director resides.

7 (b) The county judge of Tarrant County shall appoint one
8 director who resides in the district to represent the district at
9 large.

10 Sec. 8820.053. INITIAL DIRECTORS. (a) Not later than the
11 45th day after the effective date of this chapter:

12 (1) the Tarrant County Commissioners Court shall
13 appoint one director from each of the four commissioners precincts
14 in the county to represent the precinct in which the director
15 resides; and

16 (2) the county judge of Tarrant County shall appoint
17 one director who resides in the district to represent the district
18 at large.

19 (b) The initial board may agree on which three directors
20 serve four-year terms that expire at the end of the calendar year
21 following the fourth anniversary of the effective date of this
22 chapter, and which two directors serve two-year terms that expire
23 at the end of the calendar year following the second anniversary of
24 the effective date of this chapter. If the initial board cannot
25 agree, the directors shall draw lots to determine which three
26 directors serve the four-year terms and which two directors serve
27 the two-year terms.

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

2 [Sections 8820.054-8820.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8820.101. GROUNDWATER CONSERVATION DISTRICT POWERS
5 AND DUTIES. The district has the powers and duties provided by the
6 general law of this state, including Chapter 36, Water Code,
7 applicable to groundwater conservation districts created under
8 Section 59, Article XVI, Texas Constitution.

9 Sec. 8820.102. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

11 [Sections 8820.103-8820.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 8820.151. TAXES AND BONDS PROHIBITED. The district
14 may not impose a tax or issue bonds.

15 SECTION 2. (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 has submitted the notice and Act to the
23 Texas Commission on Environmental Quality.

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

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

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

ADOPTED

MAY 23 2007

Leta Starnes
Secretary of the Senate

By: *Jim Brun*

H.B. No. 4028

Substitute the following for H.B. No. 4028:

By: *Brun*

C.S. H.B. No. 4028

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3 Conservation District.

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13 Conservation District.

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15 groundwater conservation district in Tarrant County created under
16 Section 59, Article XVI, Texas Constitution.

17 Sec. 8820.003. DISTRICT TERRITORY. The boundaries of the
18 district are coextensive with the boundaries of Tarrant County.

19 Sec. 8820.004. CONFIRMATION ELECTION NOT REQUIRED. The
20 board is not required to hold an election to confirm the district's
21 creation.

22 [Sections 8820.005-8820.050 reserved for expansion]

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7 (b) The county judge of Tarrant County shall appoint one
8 director who resides in the district to represent the district at
9 large.

10 Sec. 8820.053. INITIAL DIRECTORS. (a) Not later than the
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19 (b) The initial board may agree on which three directors
20 serve four-year terms that expire at the end of the calendar year
21 following the fourth anniversary of the effective date of this
22 chapter, and which two directors serve two-year terms that expire
23 at the end of the calendar year following the second anniversary of
24 the effective date of this chapter. If the initial board cannot
25 agree, the directors shall draw lots to determine which three
26 directors serve the four-year terms and which two directors serve
27 the two-year terms.

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

2 [Sections 8820.054-8820.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8820.101. GROUNDWATER CONSERVATION DISTRICT POWERS
5 AND DUTIES. The district has the powers and duties provided by the
6 general law of this state, including Chapter 36, Water Code,
7 applicable to groundwater conservation districts created under
8 Section 59, Article XVI, Texas Constitution.

9 Sec. 8820.102. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

11 [Sections 8820.103-8820.150 reserved for expansion]

12 SUBCHAPTER D. REGULATION OF OTHER DISTRICTS

13 Sec. 8820.151. REGULATION OF WELLS IN ANOTHER DISTRICT.
14 Except as provided by this subchapter, the district may not
15 regulate the drilling or equipping of, or the completion,
16 operation, or production of, a well located in the district and in
17 another conservation and reclamation district created under
18 Section 59, Article XVI, Texas Constitution, and that on January 1,
19 2007:

20 (1) had statutory authority to require a person to
21 obtain a permit before drilling, equipping, completing, altering,
22 or operating a well in its boundaries; and

23 (2) had adopted rules to implement that statutory
24 authority.

25 Sec. 8820.152. FEES ON WELLS IN ANOTHER DISTRICT. The
26 district may assess to the owner or operator of a well located in a
27 conservation and reclamation district described by Section

1 8820.151 a fee based on the amount of groundwater produced from the
2 well in the same manner and at the same rate as other wells in the
3 district.

4 Sec. 8820.153. COORDINATION WITH OTHER DISTRICTS. (a) The
5 district and any conservation and reclamation district described by
6 Section 8820.151 shall meet to:

7 (1) coordinate the adoption of rules by each district
8 to promote consistent planning and regulation; and

9 (2) develop procedures to ensure the expedited
10 exchange of technical and regulatory information between the
11 districts.

12 (b) The district and a conservation and reclamation
13 district described by Section 8820.151 may enter into one or more
14 agreements to implement this section, including an interlocal
15 contract under Chapter 791, Government Code.

16 [Sections 8820.154-8820.200 reserved for expansion]

17 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

18 Sec. 8820.201. TAXES AND BONDS PROHIBITED. The district
19 may not impose a tax or issue bonds.

20 SECTION 2. (a) The legal notice of the intention to
21 introduce this Act, setting forth the general substance of this
22 Act, has been published as provided by law, and the notice and a
23 copy of this Act have been furnished to all persons, agencies,
24 officials, or entities to which they are required to be furnished
25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
26 Government Code.

27 (b) The governor has submitted the notice and Act to the

1 Texas Commission on Environmental Quality.

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

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Kim Brimer, Chair, Senate Committee on Administration

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4028** by Geren (Relating to the creation of the Northern Trinity Groundwater Conservation District.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, CT, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable Kim Brimer, Chair, Senate Committee on Administration

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4028** by Geren (Relating to the creation of the Northern Trinity Groundwater Conservation District.), **As Engrossed**

No fiscal implication to the State is anticipated.

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Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, CT, WK, DB

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

Revision 1

May 4, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4028 by Geren (Relating to the creation of the Northern Trinity Groundwater Conservation District.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4028 by Geren (Relating to the creation of the Northern Trinity Groundwater Conservation District.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

Revision 1

May 4, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4028 by Geren (Relating to the creation of the Northern Trinity Groundwater Conservation District.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

The bill creates the Northern Trinity Groundwater Conservation District (District) in Tarrant County with the powers and duties of Water Code, Chapter 36 related to general law for groundwater conservation districts (GCDs). The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution.

- 1) Population** - The total 2000 Census population of Tarrant County was 1,446,219. The total population is projected to increase to 1,956,163 by 2020.
- 2) Location** - The boundaries of the district are coextensive with the boundaries of Tarrant County.
- 3) Comments on Powers/Duties Different from Similar Types of Districts-** Unlike general law GCDs, the bill provides that four District directors are appointed by the Tarrant County Commissioners and one District director is appointed by the Tarrant County Judge. The District directors are not required to hold an election to confirm the District's creation. The District may not exercise the power of eminent domain and may not impose a tax or issue bonds. Bill language relating to the initial District directors will expire on September 1, 2014.
- 4) Overlapping Services-** There are no other GCDs in Tarrant County. GCD functions do not conflict with services provided by other types of water districts or utilities.
- 5) TCEQ's Supervision-** As with general law GCDs, the TCEQ will have general supervisory authority, including bond review authority and authority as it is related to the District's development and implementation of a management plan. The District would not have to comply with TCEQ financial auditing requirements.
- 6) Water Use** - According to TWDB 2004 Water Use estimates, 94 percent of Tarrant County water use was for municipal purposes, with 4 percent for manufacturing. 94 percent of the total and municipal water use comes from surface water sources. More recent studies indicate a substantial increase in groundwater use for mining.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, WK

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LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

April 10, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4028 by Geren (Relating to the creation of the Northern Trinity Groundwater Conservation District.), **As Introduced**

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Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, WK

