

House Bill 4028
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 governed by a board of five directors.

(b) Directors serve staggered four-year terms.

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

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the director resides.

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

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

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

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

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

(c) This section expires September 1, 2014.

[Sections 8820.054-8820.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8820.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to

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

[Sections 8820.103-8820.150 reserved for expansion]

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[Sections 8820.103-8820.150 reserved for expansion]

SUBCHAPTER D. REGULATION OF OTHER DISTRICTS

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

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

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

Sec. 8820.152. FEES ON WELLS IN ANOTHER DISTRICT. The district may assess to the owner or operator of a well located in a conservation and reclamation district described by Section 8820.151 a fee based on the amount of groundwater produced from the well in the same manner and at the same rate as other wells in the district.

Sec. 8820.153. COORDINATION WITH OTHER DISTRICTS. (a) The district and any conservation and

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reclamation district described by Section 8820.151 shall meet to:

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

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

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

[Sections 8820.154-8820.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8820.201. TAXES AND BONDS PROHIBITED.

The district may not impose a tax or issue bonds.

Same as House version.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8820.151. TAXES AND BONDS PROHIBITED.

The district may not impose a tax or issue bonds.

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

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

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with

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the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

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

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

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