

AN ACT

relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.

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

SECTION 1. Section 13, Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (i) of this section, the board of directors may impose ~~[reasonable]~~ fees on each nonexempt well in the district. The fees may be assessed annually, based on:

- (1) the size of column pipe used in the well;
- (2) the production capacity of the well; or
- (3) actual, authorized, or anticipated pumpage.

(b-1) The district may not impose a fee under Subsection (b) of this section in an amount greater than:

- (1) \$1 per acre-foot for water used for agricultural purposes; or
- (2) \$40 per acre-foot for water used for any other purpose.

SECTION 2. Chapter 1312, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 19A to read as follows:

1        Sec. 19A. EFFECT OF ANNEXATION OF LAND BY CERTAIN  
2 MUNICIPALITIES. (a) In this section:

3            (1) "Inhabited land" means land on which at least one  
4 fixed, permanent, and occupied dwelling is situated, as of the date  
5 on which the land is annexed by a municipality.

6            (2) "Vacant land" means land on which no fixed,  
7 permanent, and occupied dwelling is situated, as of the date on  
8 which the land is annexed by a municipality.

9            (b) If a municipality that has held an election under  
10 Section 19 of this Act subsequently annexes vacant land that is not  
11 located in the groundwater conservation district chosen by the  
12 municipality in the election, the annexed vacant land by that  
13 action:

14            (1) becomes part of the territory of the groundwater  
15 conservation district chosen by the municipality in the election;  
16 and

17            (2) is disannexed from any other groundwater  
18 conservation district in which the land is located.

19            (c) If a municipality that has held an election under  
20 Section 19 of this Act subsequently annexes inhabited land that is  
21 not located in the groundwater conservation district chosen by the  
22 municipality in the election, the landowners of the annexed  
23 inhabited land may file a petition with the groundwater  
24 conservation district requesting inclusion in that district as  
25 provided by Subchapter J, Chapter 36, Water Code. Notwithstanding  
26 Section 36.325(b), Water Code, the petition must be signed by all of  
27 the landowners of the land to be annexed by the groundwater

1 conservation district. If the affected landowners do not file a  
2 petition as provided by this subsection, the municipality shall  
3 hold an election under Section 19 of this Act in which the voters in  
4 the annexed inhabited land may choose the one groundwater  
5 conservation district of which the annexed land will be a part.

6 (d) Any land annexed by the municipality after an election  
7 under Section 19 of this Act and before the effective date of this  
8 section is:

9 (1) territory of the district chosen by the  
10 municipality in the election; and

11 (2) disannexed from any other groundwater  
12 conservation district in which the land is located.

13 (e) A disannexation of a groundwater conservation  
14 district's territory under this section does not diminish or impair  
15 the rights of the holders of any outstanding and unpaid bonds,  
16 warrants, or other obligations of that groundwater conservation  
17 district. Property disannexed under this section is not released  
18 from its pro rata share of any indebtedness of that groundwater  
19 conservation district at the time of the disannexation, and that  
20 groundwater conservation district may continue to tax the property  
21 until that debt is paid.

22 SECTION 3. (a) All governmental acts and proceedings of the  
23 Trinity Glen Rose Groundwater Conservation District relating to the  
24 annexation of territory to the municipality or to the district that  
25 were taken before the effective date of this Act are validated,  
26 ratified, and confirmed in all respects as if they had been taken as  
27 authorized by law.

1           (b) This section does not apply to any matter that on the  
2 effective date of this Act:

3                 (1) is involved in litigation if the litigation  
4 ultimately results in the matter being held invalid by a final court  
5 judgment; or

6                 (2) has been held invalid by a final court judgment.

7           SECTION 4. (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 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 1518

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1518 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1518 was passed by the Senate on May 26, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor