

1-1 By: Corte (Senate Sponsor - Wentworth) H.B. No. 1518  
1-2 (In the Senate - Received from the House May 6, 2009;  
1-3 May 8, 2009, read first time and referred to Committee on Natural  
1-4 Resources; May 15, 2009, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the addition of territory to and the amount of  
1-9 production fees imposed by the Trinity Glen Rose Groundwater  
1-10 Conservation District.

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

1-12 SECTION 1. Section 13, Chapter 1312, Acts of the 77th  
1-13 Legislature, Regular Session, 2001, is amended by amending  
1-14 Subsection (b) and adding Subsection (b-1) to read as follows:

1-15 (b) Except as provided by Subsection (i) of this section,  
1-16 the board of directors may impose [~~reasonable~~] fees on each  
1-17 nonexempt well in the district. The fees may be assessed annually,  
1-18 based on:

- 1-19 (1) the size of column pipe used in the well;  
1-20 (2) the production capacity of the well; or  
1-21 (3) actual, authorized, or anticipated pumpage.

1-22 (b-1) The district may not impose a fee under Subsection (b)  
1-23 of this section in an amount greater than:

1-24 (1) \$1 per acre-foot for water used for agricultural  
1-25 purposes; or

1-26 (2) \$40 per acre-foot for water used for any other  
1-27 purpose.

1-28 SECTION 2. Chapter 1312, Acts of the 77th Legislature,  
1-29 Regular Session, 2001, is amended by adding Section 19A to read as  
1-30 follows:

1-31 Sec. 19A. EFFECT OF ANNEXATION OF LAND BY CERTAIN  
1-32 MUNICIPALITIES. (a) In this section:

1-33 (1) "Inhabited land" means land on which at least one  
1-34 fixed, permanent, and occupied dwelling is situated, as of the date  
1-35 on which the land is annexed by a municipality.

1-36 (2) "Vacant land" means land on which no fixed,  
1-37 permanent, and occupied dwelling is situated, as of the date on  
1-38 which the land is annexed by a municipality.

1-39 (b) If a municipality that has held an election under  
1-40 Section 19 of this Act subsequently annexes vacant land that is not  
1-41 located in the groundwater conservation district chosen by the  
1-42 municipality in the election, the annexed vacant land by that  
1-43 action:

1-44 (1) becomes part of the territory of the groundwater  
1-45 conservation district chosen by the municipality in the election;  
1-46 and

1-47 (2) is disannexed from any other groundwater  
1-48 conservation district in which the land is located.

1-49 (c) If a municipality that has held an election under  
1-50 Section 19 of this Act subsequently annexes inhabited land that is  
1-51 not located in the groundwater conservation district chosen by the  
1-52 municipality in the election, the landowners of the annexed  
1-53 inhabited land may file a petition with the groundwater  
1-54 conservation district requesting inclusion in that district as  
1-55 provided by Subchapter J, Chapter 36, Water Code. Notwithstanding  
1-56 Section 36.325(b), Water Code, the petition must be signed by all of  
1-57 the landowners of the land to be annexed by the groundwater  
1-58 conservation district. If the affected landowners do not file a  
1-59 petition as provided by this subsection, the municipality shall  
1-60 hold an election under Section 19 of this Act in which the voters in  
1-61 the annexed inhabited land may choose the one groundwater  
1-62 conservation district of which the annexed land will be a part.

1-63 (d) Any land annexed by the municipality after an election  
1-64 under Section 19 of this Act and before the effective date of this

section is:

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

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

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

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

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

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

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

SECTION 4. (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, one of the required recipients, 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 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 5. 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, 2009.

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