

1-1 By: Seliger S.B. No. 2120
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 22, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2120 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the management, operation, and review of groundwater
1-11 conservation districts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 6, Water Code, is amended
1-14 by adding Section 6.113 to read as follows:

1-15 Sec. 6.113. DUTY TO ESTABLISH TRAINING PROGRAM. (a) The
1-16 board shall establish a training program for members of boards of
1-17 directors and general managers of groundwater conservation
1-18 districts that includes education in:

- 1-19 (1) the provisions of Chapter 36;
- 1-20 (2) the principles of hydrogeology;
- 1-21 (3) relevant permitting procedures;
- 1-22 (4) effective conservation practices;
- 1-23 (5) conflicts of interest;
- 1-24 (6) methods of conducting public hearings;
- 1-25 (7) the responsibility of a director to provide
1-26 financial oversight of a district; and
- 1-27 (8) board management and accountability.

1-28 (b) As the board considers appropriate, the board may
1-29 consult with stakeholders in the development of the training
1-30 program under Subsection (a).

1-31 SECTION 2. Subsection (h), Section 36.0171, Water Code, is
1-32 amended to read as follows:

1-33 (h) If the majority of the votes cast at the election are
1-34 against the levy of a maintenance tax, the district shall set
1-35 production [permit] fees to pay for the district's regulation of
1-36 groundwater in the district, including fees based on the amount of
1-37 water to be withdrawn from a well.

1-38 SECTION 3. Subchapter C, Chapter 36, Water Code, is amended
1-39 by adding Section 36.069 to read as follows:

1-40 Sec. 36.069. REQUIRED TRAINING FOR DIRECTORS AND GENERAL
1-41 MANAGER. (a) Each director or general manager of a district shall
1-42 complete at least one hour of training in a program established by
1-43 the Texas Water Development Board under Section 6.113 during each
1-44 one-year period in which the person serves as a director or general
1-45 manager.

1-46 (b) The Texas Water Development Board or other entity
1-47 providing the training shall provide a certificate of course
1-48 completion to persons who complete the training required by this
1-49 section. A district shall maintain and make available for public
1-50 inspection the record of its directors' and general manager's
1-51 completion of the training.

1-52 (c) The failure of one or more of the directors or the
1-53 general manager of a district to complete the training required by
1-54 this section does not affect the validity of an action taken by the
1-55 district.

1-56 SECTION 4. The heading to Section 36.1071, Water Code, is
1-57 amended to read as follows:

1-58 Sec. 36.1071. DISTRICT MANAGEMENT PLAN.

1-59 SECTION 5. Section 36.1071, Water Code, is amended by
1-60 amending Subsections (a), (b), (c), (f), and (g) and adding
1-61 Subsection (f-1) to read as follows:

1-62 (a) Following notice and hearing, the district shall, in
1-63 coordination with surface water management entities on a regional

2-1 basis, develop a [~~comprehensive~~] management plan that [~~which~~]
 2-2 addresses the following management goals, as applicable:
 2-3 (1) providing the most efficient use of groundwater;
 2-4 (2) controlling and preventing waste of groundwater;
 2-5 (3) controlling and preventing subsidence;
 2-6 (4) addressing conjunctive surface water management
 2-7 issues;
 2-8 (5) addressing natural resource issues;
 2-9 (6) addressing drought conditions;
 2-10 (7) addressing conservation, recharge enhancement,
 2-11 rainwater harvesting, precipitation enhancement, or brush control,
 2-12 where appropriate and cost-effective; and
 2-13 (8) addressing in a quantitative manner the desired
 2-14 future conditions of the groundwater resources.

2-15 (b) The [A] district management plan, or any amendments to
 2-16 the [a] district management plan, shall be developed [by the
 2-17 district] using the district's best available data and forwarded to
 2-18 the regional water planning group for use in their planning
 2-19 process.

2-20 (c) The commission and the Texas Water Development Board
 2-21 shall provide technical assistance to a district in the development
 2-22 of the district management plan required under Subsection (a) which
 2-23 may include, if requested by the district, a preliminary review and
 2-24 comment on the plan prior to final approval by the board. If such
 2-25 review and comment by the commission is requested, the commission
 2-26 shall provide comment not later than 30 days from the date the
 2-27 request is received.

2-28 (f) [~~The district shall adopt rules necessary to implement~~
 2-29 ~~the management plan.~~] Prior to the development of the district's
 2-30 first district management plan and [~~its~~] approval of that plan
 2-31 under Section 36.1072, the district may not adopt rules other than
 2-32 rules pertaining to the registration and interim permitting of new
 2-33 and existing wells and rules governing spacing and procedure before
 2-34 the district's board; however, the district may not adopt any rules
 2-35 limiting the production of wells, except rules requiring that
 2-36 groundwater produced from a well be put to a nonwasteful,
 2-37 beneficial use. The district may accept applications for permits
 2-38 under Section 36.113, provided the district does not act on any such
 2-39 application until the district's management plan is approved as
 2-40 provided in Section 36.1072.

2-41 (f-1) After a district management plan is approved under
 2-42 Section 36.1072, the district shall adopt or amend rules limiting
 2-43 the production of wells or allocating groundwater as necessary to
 2-44 implement the district management plan. The district may not adopt
 2-45 rules limiting the production of wells or allocating groundwater or
 2-46 amend the district's rules limiting the production of wells or
 2-47 allocating groundwater if the district fails to:

2-48 (1) adopt a district management plan as required by
 2-49 this section;

2-50 (2) submit a district management plan to the executive
 2-51 administrator as required by Section 36.1072; and

2-52 (3) receive approval of the district management plan
 2-53 under Section 36.1072.

2-54 (g) The district shall adopt amendments to the district
 2-55 management plan as necessary. Amendments to the district
 2-56 management plan shall be adopted after notice and hearing and shall
 2-57 otherwise comply with the requirements of this section.

2-58 SECTION 6. Section 36.1072, Water Code, is amended to read
 2-59 as follows:

2-60 Sec. 36.1072. TEXAS WATER DEVELOPMENT BOARD REVIEW AND
 2-61 APPROVAL OF DISTRICT MANAGEMENT PLAN. (a) In this section,
 2-62 "development board" means the Texas Water Development Board. A
 2-63 district shall, not later than three years after the creation of the
 2-64 district or, if the district required confirmation, after the
 2-65 election confirming the district's creation, submit the district
 2-66 management plan required under Section 36.1071 to the executive
 2-67 administrator for review and approval.

2-68 (b) Within 60 days of receipt of a district management plan
 2-69 adopted under Section 36.1071, readopted under Subsection (f) [~~(e)~~]

3-1 ~~or (g)]~~ of this section, or amended under Section 36.1073, the
 3-2 executive administrator shall approve the district [a] management
 3-3 plan if the plan is administratively complete. A management plan is
 3-4 administratively complete when it contains the information
 3-5 required to be submitted under Section 36.1071(a) and (e). The
 3-6 executive administrator may waive [determine whether conditions
 3-7 justify waiver of] the requirements under Section 36.1071(e)(4) if
 3-8 the executive administrator determines that conditions justify the
 3-9 waiver.

3-10 (c) Once the executive administrator has granted
 3-11 administrative approval to [approved] a management plan:

3-12 (1) the executive administrator may not revoke but may
 3-13 require revisions to the approved groundwater conservation
 3-14 district management plan as provided by Subsection (g); and

3-15 (2) the executive administrator may request
 3-16 additional information from the district if the information is
 3-17 necessary to clarify, modify, or supplement previously submitted
 3-18 material[, but a request for additional information does not render
 3-19 the management plan unapproved].

3-20 (d) Not later than the 60th day after the date of the
 3-21 administrative approval of a district management plan under
 3-22 Subsection (c), the executive administrator shall review the
 3-23 district management plan to determine whether the district
 3-24 management plan is adequate to achieve a desired future condition
 3-25 established under Section 36.108(d) that is applicable to all or
 3-26 part of the district, considering any available information
 3-27 regarding groundwater levels, and:

3-28 (1) request additional information from the district;

3-29 (2) request that the district make substantive changes
 3-30 to the plan; or

3-31 (3) approve the plan.

3-32 (e) A district management plan takes effect on approval by
 3-33 the executive administrator or, if appealed, on approval by the
 3-34 development board [Texas Water Development Board].

3-35 (f) [~~(e)~~] The district may review the district management
 3-36 plan annually and shall [must] review and readopt the plan with or
 3-37 without revisions at least once every five years. The district
 3-38 shall provide the readopted plan to the executive administrator not
 3-39 later than the 60th day after the date on which the plan was
 3-40 readopted. Approval of the preceding district management plan
 3-41 remains in effect until:

3-42 (1) the district fails to timely readopt a district
 3-43 management plan;

3-44 (2) the district fails to timely submit the district's
 3-45 readopted district management plan to the executive administrator
 3-46 for administrative approval under Subsection (b); or

3-47 (3) the executive administrator determines that the
 3-48 readopted district management plan does not meet the requirements
 3-49 for approval, and the district has exhausted all appeals to the
 3-50 development board [Texas Water Development Board or appropriate
 3-51 court].

3-52 (g) [~~(f)~~] If the executive administrator does not approve
 3-53 the district management plan, the executive administrator shall
 3-54 provide to the district, in writing, the reasons the executive
 3-55 administrator does not approve [for the action]. Not later than the
 3-56 180th day after the date a district receives notice that the
 3-57 executive administrator has not approved the district [its]
 3-58 management plan [has not been approved], the district may submit a
 3-59 revised district management plan for review and approval. The
 3-60 executive administrator's decision may be appealed to the
 3-61 development board [Texas Water Development Board]. If the
 3-62 development board [Texas Water Development Board] decides not to
 3-63 approve the revised district management plan on appeal, the
 3-64 district may request that the conflict be mediated. The district
 3-65 and the development board may seek the assistance of the Center for
 3-66 Public Policy Dispute Resolution at The University of Texas School
 3-67 of Law or an alternative dispute resolution system established
 3-68 under Chapter 152, Civil Practice and Remedies Code, in obtaining a
 3-69 qualified impartial third party to mediate the conflict. The cost

4-1 of the mediation services must be specified in the agreement
 4-2 between the parties and the Center for Public Policy Dispute
 4-3 Resolution or the alternative dispute resolution system. If the
 4-4 parties do not resolve the conflict through mediation, the decision
 4-5 of the development board [~~Texas Water Development Board~~] not to
 4-6 approve the district management plan may be appealed to a district
 4-7 court in Travis County. Costs for the appeal shall be set by the
 4-8 court hearing the appeal. An appeal under this subsection is by
 4-9 trial de novo. The commission shall not take enforcement action
 4-10 against a district under Subchapter I until the later of the
 4-11 expiration of the 180-day period, the date the development board
 4-12 [~~Texas Water Development Board~~] has taken final action withholding
 4-13 approval of a revised district management plan, the date the
 4-14 mediation is completed, or the date a final judgment upholding the
 4-15 development board's decision is entered by a district court. An
 4-16 enforcement action may not be taken against a district by the
 4-17 commission or the state auditor under Subchapter I because the
 4-18 district [~~district's~~] management plan and the approved regional
 4-19 water plan are in conflict while the parties are attempting to
 4-20 resolve the conflict before the development board, in mediation, or
 4-21 in court. Rules of the district continue in full force and effect
 4-22 until all appeals under this subsection have been exhausted and the
 4-23 final judgment is adverse to the district.

4-24 (h) [~~(g) In this subsection, "development board" means the~~
 4-25 ~~Texas Water Development Board.~~] A person with a legally defined
 4-26 interest in groundwater in a district, or the regional water
 4-27 planning group, may file a petition with the development board
 4-28 stating that a conflict requiring resolution may exist between the
 4-29 district's approved management plan developed under Section
 4-30 36.1071 and the state water plan. If a conflict exists, the
 4-31 development board shall provide technical assistance to and
 4-32 facilitate coordination between the involved person or regional
 4-33 water planning group and the district to resolve the conflict. Not
 4-34 later than the 45th day after the date the person or the regional
 4-35 water planning group files a petition with the development board,
 4-36 if the conflict has not been resolved, the district and the involved
 4-37 person or regional planning group may mediate the conflict. The
 4-38 district and the involved person or regional planning group may
 4-39 seek the assistance of the Center for Public Policy Dispute
 4-40 Resolution at The University of Texas School of Law or an
 4-41 alternative dispute resolution system established under Chapter
 4-42 152, Civil Practice and Remedies Code, in obtaining a qualified
 4-43 impartial third party to mediate the conflict. The cost of the
 4-44 mediation services must be specified in the agreement between the
 4-45 parties and the Center for Public Policy Dispute Resolution or the
 4-46 alternative dispute resolution system. If the district and the
 4-47 involved person or regional planning group cannot resolve the
 4-48 conflict through mediation, the development board shall resolve the
 4-49 conflict not later than the 60th day after the date the mediation is
 4-50 completed. The development board action under this provision may
 4-51 be consolidated, at the option of the board, with related action
 4-52 under Section 16.053(p). If the development board determines that
 4-53 resolution of the conflict requires a revision of the approved
 4-54 groundwater conservation district management plan, the development
 4-55 board shall provide information to the district. The district
 4-56 shall prepare any revisions to the plan based on the information
 4-57 provided by the development board and shall hold, after notice, at
 4-58 least one public hearing at some central location within the
 4-59 district. The district shall consider all public and development
 4-60 board comments, prepare, revise, and adopt its district management
 4-61 plan, and submit the revised district management plan to the
 4-62 development board for approval. On the request of the district or
 4-63 the regional water planning group, the development board shall
 4-64 include discussion of the conflict and its resolution in the state
 4-65 water plan that the development board provides to the governor, the
 4-66 lieutenant governor, and the speaker of the house of
 4-67 representatives under Section 16.051(e). If the groundwater
 4-68 conservation district disagrees with the decision of the
 4-69 development board under this subsection, the district may appeal

5-1 the decision to a district court in Travis County. Costs for the
5-2 appeal shall be set by the court hearing the appeal. An appeal
5-3 under this subsection is by trial de novo.

5-4 SECTION 7. Section 36.1073, Water Code, is amended to read
5-5 as follows:

5-6 Sec. 36.1073. AMENDMENT TO DISTRICT MANAGEMENT PLAN. Any
5-7 amendment to a district [~~the~~] management plan shall be submitted to
5-8 the executive administrator within 60 days following adoption of
5-9 the amendment by the district's board. The executive administrator
5-10 shall review and approve any amendment that [~~which~~] substantially
5-11 affects the district management plan in accordance with the
5-12 procedures established under Section 36.1072.

5-13 SECTION 8. Subsections (b), (c), and (n), Section 36.108,
5-14 Water Code, are amended to read as follows:

5-15 (b) If two or more districts are located within the
5-16 boundaries of the same management area, each district shall
5-17 [~~prepare a comprehensive management plan as required by Section~~
5-18 ~~36.1071 covering that district's respective territory. On~~
5-19 ~~completion and approval of the plan as required by Section 36.1072,~~
5-20 ~~each district shall~~] forward a copy of the district's district [~~new~~
5-21 ~~or revised~~] management plan to the other districts in the
5-22 management area. The boards of the districts shall consider the
5-23 district management plans individually and shall compare them to
5-24 other district management plans then in force in the management
5-25 area.

5-26 (c) The presiding officer, or the presiding officer's
5-27 designee, of each district located in whole or in part in the
5-28 management area shall meet at least annually to conduct joint
5-29 planning with the other districts in the management area and to
5-30 review the district management plans and accomplishments for the
5-31 management area. In reviewing the district management plans, the
5-32 districts shall consider:

5-33 (1) the goals of each district management plan and its
5-34 impact on planning throughout the management area;

5-35 (2) the effectiveness of the measures established by
5-36 each district management plan for conserving and protecting
5-37 groundwater and preventing waste, and the effectiveness of these
5-38 measures in the management area generally;

5-39 (3) any other matters that the boards consider
5-40 relevant to the protection and conservation of groundwater and the
5-41 prevention of waste in the management area; and

5-42 (4) the degree to which each district management plan
5-43 achieves the desired future conditions established during the joint
5-44 planning process.

5-45 (n) The districts shall prepare [~~a~~] revised conditions
5-46 [~~plan~~] in accordance with development board recommendations and
5-47 hold, after notice, at least one public hearing at a central
5-48 location in the groundwater management area. After consideration
5-49 of all public and development board comments, the districts shall
5-50 revise the conditions and submit the conditions to the development
5-51 board for review.

5-52 SECTION 9. Section 36.1132, Water Code, is amended to read
5-53 as follows:

5-54 Sec. 36.1132. DISTRICT PLANS AND RULES TO ACHIEVE DESIRED
5-55 FUTURE CONDITION; PERMITS BASED ON MANAGED AVAILABLE GROUNDWATER.

5-56 (a) Not later than the second anniversary of the date that the
5-57 districts in a management area establish one or more desired future
5-58 conditions under Section 36.108(d), each district in the management
5-59 area shall review its district management plan and rules and adopt
5-60 any amendments necessary to ensure that the district will achieve a
5-61 desired future condition applicable to all or part of the district.

5-62 (b) A district, to the extent possible, shall issue permits
5-63 up to the point that the total volume of groundwater permitted
5-64 equals the managed available groundwater, if administratively
5-65 complete permit applications are submitted to the district. For
5-66 purposes of this subsection, a district may adjust the amount of
5-67 managed available groundwater provided to the district under
5-68 Section 36.108(o) or may adjust the amount of groundwater issued
5-69 under permits to account for exempt uses and known demands for

6-1 groundwater in the district based on a state or regional water plan.
6-2 SECTION 10. Subsection (b), Section 36.116, Water Code, is
6-3 amended to read as follows:

6-4 (b) In promulgating any rules limiting groundwater
6-5 production, the district may preserve historic or existing use
6-6 before the effective date of the rules to the maximum extent
6-7 practicable consistent with its district [~~the district's~~
6-8 ~~comprehensive~~] management plan under Section 36.1071 and as
6-9 provided by Section 36.113.

6-10 SECTION 11. Section 36.117, Water Code, is amended by
6-11 adding Subsection (e-1) to read as follows:

6-12 (e-1) An operator of a water well exempt under Subsection
6-13 (b)(2) or (3) shall report annually to the district for the exempt
6-14 well the total amount of groundwater withdrawn during the calendar
6-15 year.

6-16 SECTION 12. Section 36.207, Water Code, is amended to read
6-17 as follows:

6-18 Sec. 36.207. USE OF PRODUCTION [~~PERMIT~~] FEES AUTHORIZED BY
6-19 SPECIAL LAW. A district may use funds obtained from production
6-20 [~~permit~~] fees collected pursuant to the special law governing the
6-21 district for any purpose consistent with the district's district
6-22 [~~certified water~~] management plan including, without limitation,
6-23 making grants, loans, or contractual payments to achieve,
6-24 facilitate, or expedite reductions in groundwater pumping or the
6-25 development or distribution of alternative water supplies.

6-26 SECTION 13. Section 36.301, Water Code, is amended to read
6-27 as follows:

6-28 Sec. 36.301. VIOLATIONS RELATED TO DISTRICT [~~FAILURE TO~~
6-29 ~~SUBMIT A~~] MANAGEMENT PLAN. The commission shall take appropriate
6-30 action under Section 36.303 if:

6-31 (1) a district adopts or amends a rule in violation of
6-32 Section 36.1071(f-1);

6-33 (2) [~~IF~~] a district [~~board~~] fails to submit a district
6-34 management plan or to receive certification of the district [~~its~~]
6-35 management plan under Section 36.1072;

6-36 (3) a district fails to timely readopt the district
6-37 management plan or to submit the readopted district management plan
6-38 to the executive administrator for approval in accordance with
6-39 Section 36.1072(f);

6-40 (4) the executive administrator determines that a
6-41 readopted district management plan does not meet the requirements
6-42 for approval, and the district has exhausted all appeals; or

6-43 (5) a district fails to submit or receive
6-44 certification of an amendment to the district management plan under
6-45 Section 36.1073 [~~, the commission shall take appropriate action~~
6-46 ~~under Section 36.303~~].

6-47 SECTION 14. Section 36.3011, Water Code, is amended to read
6-48 as follows:

6-49 Sec. 36.3011. FAILURE OF DISTRICT TO CONDUCT JOINT
6-50 PLANNING. Not later than the 45th day after receiving the review
6-51 panel's report under Section 36.108, the executive director or the
6-52 commission shall take action to implement any or all of the panel's
6-53 recommendations. The commission may take any action against a
6-54 district it considers necessary in accordance with Section 36.303
6-55 if the commission finds that:

6-56 (1) a district has failed to submit its district
6-57 management plan to the executive administrator;

6-58 (2) a district has failed to adopt rules;

6-59 (3) the rules adopted by the district are not designed
6-60 to achieve the desired future condition of the groundwater
6-61 resources in the groundwater management area; or

6-62 (4) the groundwater in the management area is not
6-63 adequately protected by the rules adopted by the district, or the
6-64 groundwater in the management area is not adequately protected
6-65 because of the district's failure to enforce substantial compliance
6-66 with its rules.

6-67 SECTION 15. Subsection (c), Section 36.302, Water Code, is
6-68 amended to read as follows:

6-69 (c) In a review performed under Subsection (a), the state

7-1 auditor shall make a determination, based on an analysis of a
 7-2 district's activities, of whether the [a] district is actively
 7-3 engaged in achieving the objectives of the district [district's]
 7-4 management plan, including a desired future condition established
 7-5 under Section 36.108(d) that is applicable to all or part of the
 7-6 district [based on an analysis of the district's activities].

7-7 SECTION 16. Subsection (a), Section 36.303, Water Code, is
 7-8 amended to read as follows:

7-9 (a) If Section 36.108, 36.301, or 36.302(f) applies and if
 7-10 the state auditor has performed a review of the district under
 7-11 Section 36.302(a), the commission, after notice and hearing in
 7-12 accordance with Chapter 2001, Government Code, shall take action
 7-13 the commission considers appropriate, including:

7-14 (1) issuing an order requiring the district to take
 7-15 certain actions or to refrain from taking certain actions;

7-16 (2) dissolving the board in accordance with Sections
 7-17 36.305 and 36.307 and calling an election for the purpose of
 7-18 electing a new board;

7-19 (3) requesting the attorney general to bring suit for
 7-20 the appointment of a receiver to collect the assets and carry on the
 7-21 business of the groundwater conservation district; or

7-22 (4) dissolving the district in accordance with
 7-23 Sections 36.304, 36.305, and 36.308.

7-24 SECTION 17. (a) Section 36.069, Water Code, as added by
 7-25 this Act, applies to a member of the board of directors of a
 7-26 groundwater conservation district who qualifies for office and to a
 7-27 general manager of a groundwater conservation district who begins
 7-28 employment with the district before, on, or after the effective
 7-29 date of this Act. A person who is serving as a member of the board
 7-30 of directors or as a general manager of a groundwater conservation
 7-31 district on the effective date of this Act must complete the first
 7-32 hour of training as required by Section 36.069, Water Code, as added
 7-33 by this Act, not later than September 1, 2010.

7-34 (b) The changes in law made by this Act apply only to a
 7-35 management plan or an amendment to a management plan that is
 7-36 submitted by a groundwater conservation district to the executive
 7-37 administrator of the Texas Water Development Board for review and
 7-38 approval on or after the effective date of this Act. A management
 7-39 plan or an amendment to a management plan that is submitted to the
 7-40 executive administrator of the Texas Water Development Board before
 7-41 the effective date of this Act is governed by the law in effect when
 7-42 the management plan or amendment was submitted, and the former law
 7-43 is continued in effect for that purpose.

7-44 (c) As soon as practicable after the effective date of this
 7-45 Act, the Texas Water Development Board shall adopt rules to
 7-46 implement Section 36.1072, Water Code, as amended by this Act.

7-47 (d) The first report under Subsection (e-1), Section
 7-48 36.117, Water Code, as added by this Act, is due not later than
 7-49 September 1, 2010.

7-50 (e) The change in law made by this Act to Section 36.301,
 7-51 Water Code, applies only to a violation by a groundwater
 7-52 conservation district that occurs on or after the effective date of
 7-53 this Act. A violation that occurs before the effective date of this
 7-54 Act is governed by the law in effect on the date the violation
 7-55 occurred, and the former law is continued in effect for that
 7-56 purpose.

7-57 (f) The change in law made by this Act to Section 36.302,
 7-58 Water Code, applies only to a review of a groundwater conservation
 7-59 district performed on or after the effective date of this Act. A
 7-60 review of a groundwater conservation district performed before the
 7-61 effective date of this Act is governed by the law in effect on the
 7-62 date the review was performed, and the former law is continued in
 7-63 effect for that purpose.

7-64 SECTION 18. This Act does not make an appropriation. A
 7-65 provision in this Act that creates a new governmental program,
 7-66 creates a new entitlement, or imposes a new duty on a governmental
 7-67 entity is not mandatory during a fiscal period for which the
 7-68 legislature has not made a specific appropriation to implement the
 7-69 provision.

8-1 SECTION 19. This Act takes effect immediately if it
8-2 receives a vote of two-thirds of all the members elected to each
8-3 house, as provided by Section 39, Article III, Texas Constitution.
8-4 If this Act does not receive the vote necessary for immediate
8-5 effect, this Act takes effect September 1, 2009.

8-6

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