

By: Averitt

S.B. No. 2513

A BILL TO BE ENTITLED

AN ACT

relating to the name and confirmation of, and to certain fees imposed by, the McLennan County Groundwater Conservation District.

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

SECTION 1. The heading to Chapter 8821, Special District Local Laws Code, is amended to read as follows:

CHAPTER 8821. SOUTHERN TRINITY [~~MCLENNAN COUNTY~~]
GROUNDWATER CONSERVATION DISTRICT

SECTION 2. Subdivision (3), Section 8821.001, Special District Local Laws Code, is amended to read as follows:

(3) "District" means the Southern Trinity [~~McLennan County~~] Groundwater Conservation District.

SECTION 3. Section 8821.024, Special District Local Laws Code, is amended to read as follows:

Sec. 8821.024. INITIAL DIRECTORS. (a) The [~~If creation of the district is confirmed at an election held under Section 8821.023, the~~] temporary directors are [~~become~~] the initial directors and serve for the terms provided by Subsection (b).

(b) The initial directors representing commissioners precincts 2 and 4 serve a term expiring on December 31, 2011 [~~following the expiration of two years after the date of the confirmation election~~], and the initial directors representing commissioners precincts 1 and 3 and the at-large director serve a term expiring on December 31, 2013 [~~following the expiration of~~

1 ~~four years after the date of the confirmation election]~~.

2 SECTION 4. Section 8821.025, Special District Local Laws
3 Code, is amended to read as follows:

4 Sec. 8821.025. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires December 31, 2013 [~~September 1, 2012~~].

6 SECTION 5. Section 8821.152, Special District Local Laws
7 Code, is amended to read as follows:

8 Sec. 8821.152. DISTRICT REVENUES. (a) The district by
9 rule, resolution, or order may establish, amend, pledge, encumber,
10 expend the proceeds from, and assess to any person fees for services
11 or production fees based on the amount of groundwater authorized by
12 permit to be withdrawn from a well, or on the amount of water
13 actually withdrawn, to enable the district to fulfill its purposes
14 and regulatory functions as provided by this chapter. The district
15 may use revenues generated by fees it assesses for any lawful
16 purpose.

17 (b) Notwithstanding any provision of general law to the
18 contrary, a fee authorized by Subsection (a) may not exceed:

19 (1) 10 cents per thousand gallons annually for
20 groundwater used for agricultural purposes; or

21 (2) 30 cents per thousand gallons annually for
22 groundwater used for nonagricultural purposes.

23 (c) Notwithstanding any provision of general law or this
24 chapter to the contrary, if any, the district may assess a
25 production fee under this section for groundwater produced from a
26 well or class of wells exempt from permitting under Section 36.117,
27 Water Code, except for a well exempt from permitting under Section

1 36.117(b)(1), Water Code. A production fee assessed by the
2 district under this subsection must be based on the amount of
3 groundwater actually withdrawn from the well and may not exceed the
4 amount established by the district for permitted uses under
5 Subsection (b)(2) of this section [~~FEES. The district may impose a~~
6 ~~user fee to pay for the creation and operation of the district,~~
7 ~~including permit hearings. The district may not impose a fee for~~
8 ~~agricultural use that is more than 20 percent of the rate for~~
9 ~~municipal use].~~

10 SECTION 6. The following provisions of the Special District
11 Local Laws Code are repealed:

12 (1) Subsection (c), Section 8821.021; and

13 (2) Sections 8821.003 and 8821.023.

14 SECTION 7. (a) The legal notice of the intention to
15 introduce this Act, setting forth the general substance of this
16 Act, has been published as provided by law, and the notice and a
17 copy of this Act have been furnished to all persons, agencies,
18 officials, or entities to which they are required to be furnished
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
20 Government Code.

21 (b) The governor, one of the required recipients, has
22 submitted the notice and Act to the Texas Commission on
23 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 8. 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, 2009.