

1-1 By: Averitt S.B. No. 2513
1-2 (In the Senate - Filed April 8, 2009; April 14, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2009, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 22, 2009, sent to printer.)

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

1-8 relating to the name and confirmation of, and to certain fees
1-9 imposed by, the McLennan County Groundwater Conservation District.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Chapter 8821, Special District
1-12 Local Laws Code, is amended to read as follows:

1-13 CHAPTER 8821. SOUTHERN TRINITY [~~MCLENNAN COUNTY~~]
1-14 GROUNDWATER CONSERVATION DISTRICT

1-15 SECTION 2. Subdivision (3), Section 8821.001, Special
1-16 District Local Laws Code, is amended to read as follows:

1-17 (3) "District" means the Southern Trinity [~~McLennan~~
1-18 ~~County~~] Groundwater Conservation District.

1-19 SECTION 3. Section 8821.024, Special District Local Laws
1-20 Code, is amended to read as follows:

1-21 Sec. 8821.024. INITIAL DIRECTORS. (a) The [~~If creation of~~
1-22 ~~the district is confirmed at an election held under Section~~
1-23 ~~8821.023, the~~] temporary directors are [~~become~~] the initial
1-24 directors and serve for the terms provided by Subsection (b).

1-25 (b) The initial directors representing commissioners
1-26 precincts 2 and 4 serve a term expiring on December 31, 2011
1-27 [~~following the expiration of two years after the date of the~~
1-28 ~~confirmation election~~], and the initial directors representing
1-29 commissioners precincts 1 and 3 and the at-large director serve a
1-30 term expiring on December 31, 2013 [~~following the expiration of~~
1-31 ~~four years after the date of the confirmation election~~].

1-32 SECTION 4. Section 8821.025, Special District Local Laws
1-33 Code, is amended to read as follows:

1-34 Sec. 8821.025. EXPIRATION OF SUBCHAPTER. This subchapter
1-35 expires December 31, 2013 [~~September 1, 2012~~].

1-36 SECTION 5. Section 8821.152, Special District Local Laws
1-37 Code, is amended to read as follows:

1-38 Sec. 8821.152. DISTRICT REVENUES. (a) The district by
1-39 rule, resolution, or order may establish, amend, pledge, encumber,
1-40 expend the proceeds from, and assess to any person fees for services
1-41 or production fees based on the amount of groundwater authorized by
1-42 permit to be withdrawn from a well, or on the amount of water
1-43 actually withdrawn, to enable the district to fulfill its purposes
1-44 and regulatory functions as provided by this chapter. The district
1-45 may use revenues generated by fees it assesses for any lawful
1-46 purpose.

1-47 (b) Notwithstanding any provision of general law to the
1-48 contrary, a fee authorized by Subsection (a) may not exceed:

1-49 (1) 10 cents per thousand gallons annually for
1-50 groundwater used for agricultural purposes; or

1-51 (2) 30 cents per thousand gallons annually for
1-52 groundwater used for nonagricultural purposes.

1-53 (c) Notwithstanding any provision of general law or this
1-54 chapter to the contrary, if any, the district may assess a
1-55 production fee under this section for groundwater produced from a
1-56 well or class of wells exempt from permitting under Section 36.117,
1-57 Water Code, except for a well exempt from permitting under Section
1-58 36.117(b)(1), Water Code. A production fee assessed by the
1-59 district under this subsection must be based on the amount of
1-60 groundwater actually withdrawn from the well and may not exceed the
1-61 amount established by the district for permitted uses under

1-62 Subsection (b)(2) of this section [~~FEES. The district may impose a~~
1-63 ~~user fee to pay for the creation and operation of the district,~~
1-64 ~~including permit hearings. The district may not impose a fee for~~

2-1 ~~agricultural use that is more than 20 percent of the rate for~~
2-2 ~~municipal use].~~

2-3 SECTION 6. The following provisions of the Special District
2-4 Local Laws Code are repealed:

2-5 (1) Subsection (c), Section 8821.021; and

2-6 (2) Sections 8821.003 and 8821.023.

2-7 SECTION 7. (a) The legal notice of the intention to
2-8 introduce this Act, setting forth the general substance of this
2-9 Act, has been published as provided by law, and the notice and a
2-10 copy of this Act have been furnished to all persons, agencies,
2-11 officials, or entities to which they are required to be furnished
2-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-13 Government Code.

2-14 (b) The governor, one of the required recipients, has
2-15 submitted the notice and Act to the Texas Commission on
2-16 Environmental Quality.

2-17 (c) The Texas Commission on Environmental Quality has filed
2-18 its recommendations relating to this Act with the governor, the
2-19 lieutenant governor, and the speaker of the house of
2-20 representatives within the required time.

2-21 (d) All requirements of the constitution and laws of this
2-22 state and the rules and procedures of the legislature with respect
2-23 to the notice, introduction, and passage of this Act are fulfilled
2-24 and accomplished.

2-25 SECTION 8. This Act takes effect immediately if it receives
2-26 a vote of two-thirds of all the members elected to each house, as
2-27 provided by Section 39, Article III, Texas Constitution. If this
2-28 Act does not receive the vote necessary for immediate effect, this
2-29 Act takes effect September 1, 2009.

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