

SENATE AMENDMENTS

2nd Printing

Engrossed Riders

H.B. 2619

I certify that attached is the committee amendment for H.B. No. 2619 that was adopted by the Texas House of Representatives during second reading consideration on April 24, 2009.

I further certify that, on April 24, 2009, the House suspended House Rule 2,

Section 1(a)(9) to permit H.B. No. 2619 to be sent to the Senate in the form of engrossed riders in lieu of a full engrossment.

Chief Clerk of the House

ADOPTED

APR 24 2009

Robert Honey
Chief Clerk
House of Representatives



COMMITTEE AMENDMENT NO. 1

BY: Swindford

1 Amend H.B. No. 2619 as follows:

2 (1) On page 759, line 24, strike "8848, and 8849" and
3 substitute "and 8848".

4 (2) Strike page 893, line 7, through page 899, line 26.

5 (3) Strike page 938, line 2, through page 940, line 7, and
6 substitute the following:

7 SECTION 2.05. Section 1(a), Chapter 1331, Acts of the 76th
8 Legislature, Regular Session, 1999, is amended to read as follows:

9 (a) The following groundwater conservation districts are
10 created:

11 (1) Cow Creek Groundwater Conservation District;

12 (2) Brazos Valley Groundwater Conservation District;

13 (3) Crossroads Groundwater Conservation District;

14 (4) Hays Trinity Groundwater Conservation District;

15 (5) [~~Lone Wolf Groundwater Conservation District,~~

16 (6)] Lost Pines Groundwater Conservation District;

17 (6) ~~(7)~~] McMullen Groundwater Conservation District;

18 (7) ~~(8)~~] Middle Pecos Groundwater Conservation

19 District;

20 (8) ~~(9)~~] Red Sands Groundwater Conservation District;

21 (9) ~~(10)~~] Refugio Groundwater Conservation District;

22 (10) ~~(11)~~] Southeast Trinity Groundwater Conservation

23 District; and

24 (11) ~~(12)~~] Texana Groundwater Conservation District.

25 SECTION 2.06. Section 2(a), Chapter 1331, Acts of the 76th
26 Legislature, Regular Session, 1999, is amended to read as follows:

27 (a) The boundaries of the following groundwater conservation

1 districts are coextensive with county boundaries as follows:

2 (1) the boundaries of the Cow Creek Groundwater
3 Conservation District are coextensive with the boundaries of
4 Kendall County;

5 (2) the boundaries of the Brazos Valley Groundwater
6 Conservation District are coextensive with the boundaries of
7 Robertson and Brazos Counties;

8 (3) the boundaries of the Crossroads Groundwater
9 Conservation District are coextensive with the boundaries of
10 Victoria County;

11 (4) ~~the boundaries of the Lone Wolf Groundwater~~
12 ~~Conservation District are coextensive with the boundaries of~~
13 ~~Mitchell County;~~

14 ~~(5)~~ the boundaries of the Lost Pines Groundwater
15 Conservation District are coextensive with the boundaries of
16 Bastrop and Lee Counties, but if the voters of only one county
17 confirm the creation of the district under Section 10 of this Act,
18 the boundaries of the district are coextensive with the boundaries
19 of that county;

20 (5) ~~(6)~~ the boundaries of the McMullen Groundwater
21 Conservation District are coextensive with the boundaries of
22 McMullen County;

23 (6) ~~(7)~~ the boundaries of the Middle Pecos Groundwater
24 Conservation District are coextensive with the boundaries of Pecos
25 County;

26 (7) ~~(8)~~ the boundaries of the Refugio Groundwater
27 Conservation District are coextensive with the boundaries of
28 Refugio County; and

29 (8) ~~(9)~~ the boundaries of the Texana Groundwater

1 Conservation District are coextensive with the boundaries of
2 Jackson County.

3 (4) On page 948, line 20, after the semicolon, add "and".

4 (5) On page 948, line 22, strike the semicolon and substitute
5 a period.

6 (6) On page 948, strike lines 23-26.

ADOPTED

MAY 26 2009

COMMITTEE AMENDMENT NO. 1

Henry David
Secretary of the Senate
BY: *William*

1 Amend H.B. No. 2619 as amended by house committee amendment
2 No. 1 as follows:

3 (1) In the recital to SECTION 1.05 of the bill, as amended by
4 item (1) of house committee amendment No. 1, strike "and 8848" and
5 substitute "8848, and 8849".

6 (2) In SECTION 1.05 of the bill, as amended by item (2) of
7 house committee amendment No. 1, after added Chapter 8848, Special
8 District Local Laws Code, insert the following:

9 CHAPTER 8849. LOST PINES GROUNDWATER CONSERVATION DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8849.001. DEFINITIONS

12 Sec. 8849.002. NATURE OF DISTRICT

13 Sec. 8849.003. FINDINGS OF PUBLIC USE AND BENEFIT

14 Sec. 8849.004. DISTRICT TERRITORY

15 [Sections 8849.005-8849.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 8849.051. COMPOSITION OF BOARD; TERMS

18 Sec. 8849.052. APPOINTMENT OF DIRECTORS

19 Sec. 8849.053. BOARD VACANCY

20 Sec. 8849.054. EXPENSES

21 [Sections 8849.055-8849.100 reserved for expansion]

22 SUBCHAPTER C. POWERS AND DUTIES

23 Sec. 8849.101. GROUNDWATER CONSERVATION DISTRICT

24 POWERS AND DUTIES

25 Sec. 8849.102. AUTHORITY TO EXEMPT CERTAIN WELLS FROM

26 REGULATION

1 Sec. 8849.103. GROUNDWATER WELLS UNDER JURISDICTION OF
2 RAILROAD COMMISSION

3 Sec. 8849.104. MEMBERSHIP ON CENTRAL CARRIZO-WILCOX
4 COORDINATING COUNCIL

5 Sec. 8849.105. MANAGEMENT PLAN

6 Sec. 8849.106. REGIONAL COOPERATION

7 [Sections 8849.107-8849.150 reserved for expansion]

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 8849.151. PUMPING FEES

10 Sec. 8849.152. TAXES PROHIBITED

11 CHAPTER 8849. LOST PINES GROUNDWATER CONSERVATION DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 8849.001. DEFINITIONS. In this chapter:

14 (1) "Board" means the district's board of directors.

15 (2) "Director" means a board member.

16 (3) "District" means the Lost Pines Groundwater
17 Conservation District. (Acts 76th Leg., R.S., Ch. 1331, Sec. 3;
18 Acts 77th Leg., R.S., Ch. 966, Sec. 3.0502(1); Acts 77th Leg.,
19 R.S., Ch. 1323, Sec. 2(1); New.)

20 Sec. 8849.002. NATURE OF DISTRICT. The district is a
21 groundwater conservation district created under and essential to
22 accomplish the purposes of Section 59, Article XVI, Texas
23 Constitution. (Acts 76th Leg., R.S., Ch. 1331, Secs. 1(a) (part),
24 (c).)

25 Sec. 8849.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
26 district is created to serve a public use and benefit.

27 (b) All land and other property included in the district will
28 benefit from the works and projects accomplished by the district
29 under the powers conferred by Section 59, Article XVI, Texas

1 Constitution. (Acts 76th Leg., R.S., Ch. 1331, Sec. 4.)

2 Sec. 8849.004. DISTRICT TERRITORY. The district's boundaries
3 are coextensive with the boundaries of Bastrop and Lee Counties
4 unless the district's territory has been modified under:

5 (1) Subchapter J, Chapter 36, Water Code; or

6 (2) other law. (Acts 76th Leg., R.S., Ch. 1331, Sec.
7 2(a) (part); Acts 77th Leg., R.S., Ch. 966, Sec. 3.0503; Acts 77th
8 Leg., R.S., Ch. 1323, Sec. 3; New.)

9 [Sections 8849.005-8849.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8849.051. COMPOSITION OF BOARD; TERMS. (a) The
12 district is governed by a board of 10 directors.

13 (b) Directors serve staggered four-year terms. (Acts 77th
14 Leg., R.S., Ch. 966, Secs. 3.0506(a), (f); Acts 77th Leg., R.S.,
15 Ch. 1323, Secs. 7(a), (f).)

16 Sec. 8849.052. APPOINTMENT OF DIRECTORS. (a) Five directors
17 are appointed from Bastrop County by the county judge of Bastrop
18 County and five directors are appointed from Lee County by the
19 county judge of Lee County.

20 (b) Every two years after the initial appointment of
21 directors, the appropriate number of directors shall be appointed.

22 (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0506(b), (e); Acts 77th
23 Leg., R.S., Ch. 1323, Secs. 7(b), (e).)

24 Sec. 8849.053. BOARD VACANCY. If a vacancy occurs on the
25 board, the board may appoint a director to serve the remainder of
26 the term. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0506(j); Acts
27 77th Leg., R.S., Ch. 1323, Sec. 7(j).)

28 Sec. 8849.054. EXPENSES. A director is entitled to
29 reimbursement for actual reasonable expenses incurred in performing

1 duties as a director. (Acts 77th Leg., R.S., Ch. 966, Sec.
2 3.0506(k) (part); Acts 77th Leg., R.S., Ch. 1323, Sec. 7(k)
3 (part).)

4 [Sections 8849.055-8849.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 8849.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND
7 DUTIES. The district has the rights, powers, privileges,
8 functions, and duties provided by the general law of this state,
9 including Chapter 36, Water Code, applicable to groundwater
10 conservation districts created under Section 59, Article XVI, Texas
11 Constitution. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(a)
12 (part); Acts 77th Leg., R.S., Ch. 1323, Sec. 4(a) (part).)

13 Sec. 8849.102. AUTHORITY TO EXEMPT CERTAIN WELLS FROM
14 REGULATION. The district may adopt a rule exempting a well that is
15 not capable of producing more than 50,000 gallons of groundwater a
16 day from a permit requirement, a fee, or a restriction on
17 production. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(c); Acts
18 77th Leg., R.S., Ch. 1323, Sec. 4(e).)

19 Sec. 8849.103. GROUNDWATER WELLS UNDER JURISDICTION OF
20 RAILROAD COMMISSION. (a) In this section:

21 (1) "Public utility" means any person, corporation,
22 public utility, water supply or sewer service corporation,
23 municipality, political subdivision, or agency operating,
24 maintaining, or controlling facilities in this state for providing
25 potable water service for compensation.

26 (2) "Railroad commission" means the Railroad Commission
27 of Texas.

28 (b) A groundwater well drilled or operated in the district
29 under a permit issued by the railroad commission is under the

1 exclusive jurisdiction of the railroad commission and is exempt
2 from regulation by the district.

3 (c) Groundwater produced in an amount authorized by a
4 railroad commission permit may be used in or exported from the
5 district without a permit from the district.

6 (d) To the extent groundwater production exceeds railroad
7 commission authorization, the holder of the railroad commission
8 permit:

9 (1) shall apply to the district for the appropriate
10 permit for the excess production; and

11 (2) is subject to the applicable regulatory fees.

12 (e) Groundwater produced from a well under the jurisdiction
13 of the railroad commission is generally exempt from water district
14 fees. However, the district may impose a pumping fee or an export
15 fee on groundwater produced from an otherwise exempt mine well that
16 is used for municipal purposes or by a public utility. A fee
17 imposed by the district under this subsection may not exceed the
18 fee imposed on other groundwater producers in the district. (Acts
19 77th Leg., R.S., Ch. 966, Secs. 3.0502(2), 3.0505; Acts 77th Leg.,
20 R.S., Ch. 1323, Secs. 2(2), 5; New.)

21 Sec. 8849.104. MEMBERSHIP ON CENTRAL CARRIZO-WILCOX
22 COORDINATING COUNCIL. The district is a member of the Central
23 Carrizo-Wilcox Coordinating Council. (Acts 77th Leg., R.S., Ch.
24 1323, Sec. 10.)

25 Sec. 8849.105. MANAGEMENT PLAN. The district shall develop
26 or contract to develop a district management plan under Section
27 36.1071, Water Code, and submit the plan to the Central Carrizo-
28 Wilcox Coordinating Council to be included in the management plan
29 developed by the council. (Acts 77th Leg., R.S., Ch. 1323, Sec.

1 11.)

2 Sec. 8849.106. REGIONAL COOPERATION. The district shall:

3 (1) adopt a management plan detailing proposed efforts
4 of the district to cooperate with other groundwater conservation
5 districts;

6 (2) participate as needed in coordination meetings with
7 adjacent groundwater conservation districts that share one or more
8 aquifers with the district;

9 (3) coordinate the collection of data with adjacent
10 groundwater conservation districts in such a way as to achieve
11 relative uniformity of data type and quality;

12 (4) provide groundwater level information to adjacent
13 groundwater conservation districts;

14 (5) investigate any groundwater pollution to identify
15 the pollution's source;

16 (6) notify adjacent groundwater conservation districts
17 and all appropriate agencies of any groundwater pollution detected
18 and the source of the pollution identified;

19 (7) provide to adjacent groundwater conservation
20 districts annually an inventory of water wells in the district and
21 an estimate of groundwater production in the district; and

22 (8) include adjacent groundwater conservation districts
23 on mailing lists for district newsletters and information regarding
24 seminars, public education events, news articles, and field days.

25 (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0508.)

26 [Sections 8849.107-8849.150 reserved for expansion]

27 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

28 Sec. 8849.151. PUMPING FEES. (a) The district may assess
29 regulatory pumping fees for water produced in or exported from the

1 district.

2 (b) The regulatory pumping fees the district assesses for
3 water for crop or livestock production or other agricultural uses
4 may not exceed 20 percent of the rate applied to water for
5 municipal uses.

6 (c) Regulatory pumping fees based on the amount of water
7 withdrawn from a well may not exceed:

8 (1) \$1 for each acre-foot for water used to irrigate
9 agricultural crops; or

10 (2) 17 cents for each thousand gallons for water used
11 for any other purpose.

12 (d) Combined regulatory pumping fees for production and
13 export of water may not exceed 17 cents for each thousand gallons
14 for water used. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(b)
15 (part); Acts 77th Leg., R.S., Ch. 1323, Secs. 4(c) (part), (d).)

16 Sec. 8849.152. TAXES PROHIBITED. The district may not impose
17 a tax. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0504(b) (part); Acts
18 77th Leg., R.S., Ch. 1323, Sec. 4(c) (part).)

19 (3) Strike SECTIONS 2.05 and 2.06 of the bill, as amended by
20 item (3) of house committee amendment No. 1, and substitute the
21 following:

22 SECTION 2.05. Section 1(a), Chapter 1331, Acts of the 76th
23 Legislature, Regular Session, 1999, is amended to read as follows:

24 (a) The following groundwater conservation districts are
25 created:

- 26 (1) Cow Creek Groundwater Conservation District;
27 (2) Brazos Valley Groundwater Conservation District;
28 (3) Crossroads Groundwater Conservation District;
29 (4) Hays Trinity Groundwater Conservation District;

1 (5) [~~Lone Wolf Groundwater Conservation District,~~
2 [~~(6) Lost Pines Groundwater Conservation District,~~
3 [~~(7)~~] McMullen Groundwater Conservation District;
4 (6) [~~(8)~~] Middle Pecos Groundwater Conservation
5 District;
6 (7) [~~(9)~~] Red Sands Groundwater Conservation District;
7 (8) [~~(10)~~] Refugio Groundwater Conservation District;
8 (9) [~~(11)~~] Southeast Trinity Groundwater Conservation
9 District; and
10 (10) [~~(12)~~] Texana Groundwater Conservation District.

11 SECTION 2.06. Section 2(a), Chapter 1331, Acts of the 76th
12 Legislature, Regular Session, 1999, is amended to read as follows:

13 (a) The boundaries of the following groundwater conservation
14 districts are coextensive with county boundaries as follows:

15 (1) the boundaries of the Cow Creek Groundwater
16 Conservation District are coextensive with the boundaries of
17 Kendall County;

18 (2) the boundaries of the Brazos Valley Groundwater
19 Conservation District are coextensive with the boundaries of
20 Robertson and Brazos Counties;

21 (3) the boundaries of the Crossroads Groundwater
22 Conservation District are coextensive with the boundaries of
23 Victoria County;

24 (4) [~~the boundaries of the Lone Wolf Groundwater~~
25 ~~Conservation District are coextensive with the boundaries of~~
26 ~~Mitchell County,~~

27 [~~(5) the boundaries of the Lost Pines Groundwater~~
28 ~~Conservation District are coextensive with the boundaries of~~
29 ~~Bastrop and Lee Counties, but if the voters of only one county~~

1 ~~confirm the creation of the district under Section 10 of this Act,~~
2 ~~the boundaries of the district are coextensive with the boundaries~~
3 ~~of that county,~~

4 [~~6~~] the boundaries of the McMullen Groundwater
5 Conservation District are coextensive with the boundaries of
6 McMullen County;

7 (5) [~~7~~] the boundaries of the Middle Pecos Groundwater
8 Conservation District are coextensive with the boundaries of Pecos
9 County;

10 (6) [~~8~~] the boundaries of the Refugio Groundwater
11 Conservation District are coextensive with the boundaries of
12 Refugio County; and

13 (7) [~~9~~] the boundaries of the Texana Groundwater
14 Conservation District are coextensive with the boundaries of
15 Jackson County.

16 (4) In SECTION 3.03 of the bill, in Subdivision (22) of the
17 SECTION, as amended by item (4) of house committee amendment No. 1,
18 after the semicolon, strike "and".

19 (5) In SECTION 3.03 of the bill, in Subdivision (23) of the
20 SECTION, as amended by item (5) of house committee amendment No. 1,
21 strike the period and substitute a semicolon.

22 (6) In SECTION 3.03 of the bill, as amended by item (6) of
23 house committee amendment No. 1, add the following:

24 (24) Part 5, Chapter 966, Acts of the 77th Legislature,
25 Regular Session, 2001; and

26 (25) Chapter 1323, Acts of the 77th Legislature, Regular
27 Session, 2001.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2619 by Frost (relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, KJG, DB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable Tommy Williams, Chair, Senate Committee on Administration

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2619 by Frost (relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.), **Committee Report 2nd House, As Amended**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, KJG, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Tommy Williams, Chair, Senate Committee on Administration

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2619 by Frost (Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, KJG, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 15, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2619 by Frost (Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.), **Committee Report 1st House, As Amended**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 2, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2619 by Frost (Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, DB