

House Bill 2619
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

All bill sections not included in this analysis are the same in both versions.

SECTION 1.05. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapters 8805, 8809, 8814, 8816, 8825, 8826, 8827, 8828, 8829, 8831, 8832, 8834, 8836, 8840, 8842, 8844, 8846, and 8848 to read as follows:

CHAPTERS 8805-8848.

No equivalent provision.

SECTION 1.05. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapters 8805, 8809, 8814, 8816, 8825, 8826, 8827, 8828, 8829, 8831, 8832, 8834, 8836, 8840, 8842, 8844, 8846, 8848, **and 8849** to read as follows:

Same as House version.

CHAPTER 8849. LOST PINES GROUNDWATER
CONSERVATION DISTRICT
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 8849.001. DEFINITIONS
Sec. 8849.002. NATURE OF DISTRICT
Sec. 8849.003. FINDINGS OF PUBLIC USE AND
BENEFIT
Sec. 8849.004. DISTRICT TERRITORY
[Sections 8849.005-8849.050 reserved for expansion]
SUBCHAPTER B. BOARD OF DIRECTORS
Sec. 8849.051. COMPOSITION OF BOARD; TERMS
Sec. 8849.052. APPOINTMENT OF DIRECTORS
Sec. 8849.053. BOARD VACANCY
Sec. 8849.054. EXPENSES
[Sections 8849.055-8849.100 reserved for expansion]
SUBCHAPTER C. POWERS AND DUTIES
Sec. 8849.101. GROUNDWATER CONSERVATION
DISTRICT POWERS AND DUTIES

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Sec. 8849.102. AUTHORITY TO EXEMPT CERTAIN
WELLS FROM REGULATION

Sec. 8849.103. GROUNDWATER WELLS UNDER
JURISDICTION OF RAILROAD COMMISSION

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

Sec. 8849.105. MANAGEMENT PLAN

Sec. 8849.106. REGIONAL COOPERATION

[Sections 8849.107-8849.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL
PROVISIONS

Sec. 8849.151. PUMPING FEES

Sec. 8849.152. TAXES PROHIBITED

CHAPTER 8849. LOST PINES GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8849.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

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

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

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and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution. (Acts 76th Leg., R.S., Ch. 1331, Sec. 4.)

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

- (1) Subchapter J, Chapter 36, Water Code; or
- (2) other law. (Acts 76th Leg., R.S., Ch. 1331, Sec. 2(a) (part); Acts 77th Leg., R.S., Ch. 966, Sec. 3.0503; Acts 77th Leg., R.S., Ch. 1323, Sec. 3; New.)

[Sections 8849.005-8849.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8849.051. COMPOSITION OF BOARD; TERMS.

- (a) The district is governed by a board of 10 directors.
- (b) Directors serve staggered four-year terms. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0506(a), (f); Acts 77th Leg., R.S., Ch. 1323, Secs. 7(a), (f).)

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

- (b) Every two years after the initial appointment of directors, the appropriate number of directors shall be appointed. (Acts 77th Leg., R.S., Ch. 966, Secs. 3.0506(b), (e); Acts 77th Leg., R.S., Ch. 1323, Secs. 7(b), (e).)

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

Sec. 8849.054. EXPENSES. A director is entitled to reimbursement for actual reasonable expenses incurred in performing duties as a director. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0506(k) (part); Acts 77th Leg., R.S., Ch. 1323, Sec. 7(k) (part).)

[Sections 8849.055-8849.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

(1) "Public utility" means any person, corporation, public

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utility, water supply or sewer service corporation, municipality, political subdivision, or agency operating, maintaining, or controlling facilities in this state for providing potable water service for compensation.

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

(b) A groundwater well drilled or operated in the district under a permit issued by the railroad commission is under the exclusive jurisdiction of the railroad commission and is exempt from regulation by the district.

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

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

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

(2) is subject to the applicable regulatory fees.

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

Sec. 8849.104. MEMBERSHIP ON CENTRAL

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CARRIZO-WILCOX COORDINATING COUNCIL. The district is a member of the Central Carrizo-Wilcox Coordinating Council. (Acts 77th Leg., R.S., Ch. 1323, Sec. 10.)

Sec. 8849.105. MANAGEMENT PLAN. The district shall develop or contract to develop a district management plan under Section 36.1071, Water Code, and submit the plan to the Central Carrizo-Wilcox Coordinating Council to be included in the management plan developed by the council. (Acts 77th Leg., R.S., Ch. 1323, Sec. 11.)

Sec. 8849.106. REGIONAL COOPERATION. The district shall:

- (1) adopt a management plan detailing proposed efforts of the district to cooperate with other groundwater conservation districts;
- (2) participate as needed in coordination meetings with adjacent groundwater conservation districts that share one or more aquifers with the district;
- (3) coordinate the collection of data with adjacent groundwater conservation districts in such a way as to achieve relative uniformity of data type and quality;
- (4) provide groundwater level information to adjacent groundwater conservation districts;
- (5) investigate any groundwater pollution to identify the pollution's source;
- (6) notify adjacent groundwater conservation districts and all appropriate agencies of any groundwater pollution detected and the source of the pollution identified;
- (7) provide to adjacent groundwater conservation districts annually an inventory of water wells in the district and an

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estimate of groundwater production in the district; and
(8) include adjacent groundwater conservation districts on mailing lists for district newsletters and information regarding seminars, public education events, news articles, and field days. (Acts 77th Leg., R.S., Ch. 966, Sec. 3.0508.)

[Sections 8849.107-8849.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL
PROVISIONS

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

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

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

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

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

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

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

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(part.)

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

(a) The following groundwater conservation districts are created:

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

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

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

- (1) the boundaries of the Cow Creek Groundwater

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

(a) The following groundwater conservation districts are created:

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

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

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

- (1) the boundaries of the Cow Creek Groundwater

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Conservation District are coextensive with the boundaries of Kendall County;

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

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

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

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

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

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

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

(8) ~~(9)~~ the boundaries of the Texana Groundwater Conservation District are coextensive with the boundaries of Jackson County.

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Conservation District are coextensive with the boundaries of Kendall County;

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

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

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

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

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

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

(6) ~~(8)~~ the boundaries of the Refugio Groundwater Conservation District are coextensive with the boundaries of Refugio County; and

(7) ~~(9)~~ the boundaries of the Texana Groundwater Conservation District are coextensive with the boundaries of Jackson County.

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SECTION 3.03. The following statutes are repealed:

- (1) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Chapter 439, Acts of the 70th Legislature, Regular Session, 1987;
- (2) Sections 7 and 8, Chapter 1310, Acts of the 77th Legislature, Regular Session, 2001;
- (3) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Chapter 992, Acts of the 70th Legislature, Regular Session, 1987;
- (4) Chapter 915, Acts of the 70th Legislature, Regular Session, 1987;
- (5) Section 22, Chapter 759, Acts of the 78th Legislature, Regular Session, 2003;
- (6) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Chapter 1075, Acts of the 75th Legislature, Regular Session, 1997;
- (7) Chapter 1361, Acts of the 77th Legislature, Regular Session, 2001;
- (8) Chapter 772, Acts of the 78th Legislature, Regular Session, 2003;
- (9) Chapter 1291, Acts of the 77th Legislature, Regular Session, 2001;
- (10) Chapter 1474, Acts of the 77th Legislature, Regular Session, 2001;
- (11) Chapter 1294, Acts of the 77th Legislature, Regular Session, 2001;
- (12) Chapter 1358, Acts of the 77th Legislature, Regular Session, 2001;
- (13) Chapter 376, Acts of the 69th Legislature, Regular Session, 1985;
- (14) Chapter 26, Acts of the 70th Legislature, Regular

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SECTION 3.03. The following statutes are repealed:

- (1) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Chapter 439, Acts of the 70th Legislature, Regular Session, 1987;
- (2) Sections 7 and 8, Chapter 1310, Acts of the 77th Legislature, Regular Session, 2001;
- (3) Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Chapter 992, Acts of the 70th Legislature, Regular Session, 1987;
- (4) Chapter 915, Acts of the 70th Legislature, Regular Session, 1987;
- (5) Section 22, Chapter 759, Acts of the 78th Legislature, Regular Session, 2003;
- (6) Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Chapter 1075, Acts of the 75th Legislature, Regular Session, 1997;
- (7) Chapter 1361, Acts of the 77th Legislature, Regular Session, 2001;
- (8) Chapter 772, Acts of the 78th Legislature, Regular Session, 2003;
- (9) Chapter 1291, Acts of the 77th Legislature, Regular Session, 2001;
- (10) Chapter 1474, Acts of the 77th Legislature, Regular Session, 2001;
- (11) Chapter 1294, Acts of the 77th Legislature, Regular Session, 2001;
- (12) Chapter 1358, Acts of the 77th Legislature, Regular Session, 2001;
- (13) Chapter 376, Acts of the 69th Legislature, Regular Session, 1985;
- (14) Chapter 26, Acts of the 70th Legislature, Regular

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Session, 1987;
(15) Chapter 1045, Acts of the 71st Legislature, Regular Session, 1989;
(16) Chapter 302, Acts of the 77th Legislature, Regular Session, 2001;
(17) Chapter 489, Acts of the 67th Legislature, Regular Session, 1981;
(18) Sections 2 and 3, Chapter 294, Acts of the 77th Legislature, Regular Session, 2001;
(19) Chapter 693, Acts of the 72nd Legislature, Regular Session, 1991;
(20) Chapter 865, Acts of the 70th Legislature, Regular Session, 1987;
(21) Chapter 1344, Acts of the 77th Legislature, Regular Session, 2001;
(22) Part 4, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001; and
(23) Chapter 1328, Acts of the 77th Legislature, Regular Session, 2001.

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Session, 1987;
(15) Chapter 1045, Acts of the 71st Legislature, Regular Session, 1989;
(16) Chapter 302, Acts of the 77th Legislature, Regular Session, 2001;
(17) Chapter 489, Acts of the 67th Legislature, Regular Session, 1981;
(18) Sections 2 and 3, Chapter 294, Acts of the 77th Legislature, Regular Session, 2001;
(19) Chapter 693, Acts of the 72nd Legislature, Regular Session, 1991;
(20) Chapter 865, Acts of the 70th Legislature, Regular Session, 1987;
(21) Chapter 1344, Acts of the 77th Legislature, Regular Session, 2001;
(22) Part 4, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001;
(23) Chapter 1328, Acts of the 77th Legislature, Regular Session, 2001;
(24) Part 5, Chapter 966, Acts of the 77th Legislature, Regular Session, 2001; and
(25) Chapter 1323, Acts of the 77th Legislature, Regular Session, 2001.

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