

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-30-2009

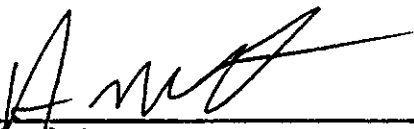
Date


Honorable David Dewhurst  
President of the Senate


Honorable Joe Straus  
Speaker of the House of Representatives


Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 2513 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

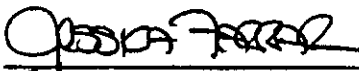
  
Averitt

  
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On the part of the Senate

  
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On the part of the House

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 2513

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the name and confirmation of, and to certain fees imposed  
3 by, the McLennan County Groundwater Conservation District and to the  
4 authority to create certain adjacent groundwater conservation  
5 districts.

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

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

9 CHAPTER 8821. SOUTHERN TRINITY [~~MCLENNAN COUNTY~~]

10 GROUNDWATER CONSERVATION DISTRICT

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

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

15 SECTION 3. Section 8821.002, Special District Local Laws Code,  
16 is amended to read as follows:

17 Sec. 8821.002. NATURE OF DISTRICT. The district is a  
18 groundwater conservation district in McLennan County created under  
19 and essential to accomplish the purposes of Section 59, Article XVI,  
20 Texas Constitution. The district is located in a priority  
21 groundwater management area designated by the Texas Commission on  
22 Environmental Quality pursuant to Section 35.008, Water Code.

23 SECTION 4. Section 8821.024, Special District Local Laws Code,  
24 is amended to read as follows:

25 Sec. 8821.024. INITIAL DIRECTORS. (a) The [~~If creation of the~~

1 ~~district is confirmed at an election held under Section 8821.023,~~  
2 ~~the] temporary directors are [~~become~~] the initial directors and serve~~  
3 for the terms provided by Subsection (b).

4 (b) The initial directors representing commissioners precincts  
5 2 and 4 serve a term expiring on December 31, 2011 [~~following the~~  
6 ~~expiration of two years after the date of the confirmation election],~~  
7 and the initial directors representing commissioners precincts 1 and  
8 3 and the at-large director serve a term expiring on December 31,  
9 2013 [~~following the expiration of four years after the date of the~~  
10 ~~confirmation election)].~~

11 SECTION 5. Section 8821.025, Special District Local Laws Code,  
12 is amended to read as follows:

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

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

17 Sec. 8821.152. DISTRICT REVENUES. (a) The district by rule,  
18 resolution, or order may establish, amend, pledge, encumber, expend  
19 the proceeds from, and assess to any person fees for services or  
20 production fees based on the amount of groundwater authorized by  
21 permit to be withdrawn from a well, or on the amount of water  
22 actually withdrawn, to enable the district to fulfill its purposes  
23 and regulatory functions as provided by this chapter. The district  
24 may use revenues generated by fees it assesses for any lawful  
25 purpose.

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

3            (1) \$1 per acre-foot annually for groundwater used for  
4 agricultural purposes; or

5            (2) 30 cents per thousand gallons annually for groundwater  
6 used for nonagricultural purposes.

7        (c) Notwithstanding any provision of general law or this  
8 chapter to the contrary, if any, the district may assess a production  
9 fee under this section for groundwater produced from a well or class  
10 of wells exempt from permitting under Section 36.117, Water Code,  
11 except for a well exempt from permitting under Section 36.117(b)(1),  
12 Water Code. A production fee assessed by the district under this  
13 subsection must be based on the amount of groundwater actually  
14 withdrawn from the well and may not exceed the amount established by  
15 the district for permitted uses under Subsection (b)(2) of this  
16 section [~~FEES. The district may impose a user fee to pay for the~~  
17 ~~creation and operation of the district, including permit hearings.~~  
18 ~~The district may not impose a fee for agricultural use that is more~~  
19 ~~than 20 percent of the rate for municipal use].~~

20        SECTION 7. The following provisions of the Special District  
21 Local Laws Code are repealed:

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

23            (2) Sections 8821.003 and 8821.023.

24        SECTION 8. Notwithstanding Sections 35.012 and 36.0151, Water  
25 Code, the Texas Commission on Environmental Quality shall not, before

1 September 1, 2011, create a groundwater conservation district:

2 (1) in the priority groundwater management area in which  
3 the Southern Trinity Groundwater Conservation District is located; or

4 (2) in a priority groundwater management area that is  
5 adjacent to the priority groundwater management area in which the  
6 Southern Trinity Groundwater Conservation District is located.

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

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

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

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

23 SECTION 10. This Act takes effect immediately if it receives a  
24 vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this Act

1 does not receive the vote necessary for immediate effect, this Act  
2 takes effect September 1, 2009.

**Senate Bill 2513**  
**Conference Committee Report**  
**Section-by-Section Analysis**

SENATE VERSION	HOUSE VERSION	CONFERENCE
<p>SECTION 1. Amends the heading to Chapter 8821, Special District Local Laws Code to read "SOUTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT", rather than "MCLENNAN COUNTY GROUNDWATER CONSERVATION DISTRICT".</p>	<p>Same as Senate version.</p>	<p>SECTION 1. Same as Senate version.</p>
<p>SECTION 2. Amends Section 8821.001(3), Special District Local Laws Code, to change the name of the McLennan County Groundwater Conservation District to the Southern Trinity Groundwater Conservation District.</p>	<p>Same as Senate version.</p>	<p>SECTION 2. Same as Senate version.</p>
<p>No equivalent provision.</p>	<p>No equivalent provision.</p>	<p>SECTION 3. Amends Section 8821.002, Special District Local Laws Code, to provide that the district is located in a priority groundwater management area designated by the TCEQ pursuant to Section 35.008, Water Code. <i>(The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)</i></p>
<p>SECTION 3. Amends Section 8821.024, Special District Local Laws Code, to establish specific staggered expiration dates of December 31, 2011 and December 31, 2013 for the terms of office of the initial directors of the district, rather than linking the expiration dates of those terms to the date of the district's confirmation election.</p>	<p>Same as Senate version.</p>	<p>SECTION 4. Same as Senate version.</p>
<p>SECTION 4. Amends Section 8821.025, Special District Local Laws Code to change the expiration date of the subchapter from September 1, 2012 to December 31, 2013.</p>	<p>Same as Senate version.</p>	<p>SECTION 5. Same as Senate version.</p>

SENATE VERSION	HOUSE VERSION	CONFERENCE
<p>SECTION 5. Amends Section 8821.152, Special District Local Laws Code to:</p> <ul style="list-style-type: none"> <li>• delete language that authorizes the district to impose a user fee to pay for creation and operation of the district, including permit hearings and that places a limit on the fee that a district may impose for agricultural use of 20 percent of the rate for municipal use;</li> <li>• add language to allow the district by rule, resolution, or order to establish, amend, pledge, encumber, expend the proceeds from, and assess to any person fees for services or production fees based on the amount of groundwater authorized by permit to be withdrawn from a well, or on the amount of water actually withdrawn, to enable the district to fulfill its purposes and regulatory functions;</li> <li>• add language to authorize the district to use revenues from fees it assesses for any lawful purpose;</li> <li>• add language to establish limits on fees of 10 cents per thousand gallons annually for groundwater used for agricultural purposes or 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes; and</li> <li>• add language to authorize the district to assess a production fee for groundwater produced from a well or class of wells exempt from permitting under Section 36.117, Water Code, except for a well exempt from permitting under Section 36.117(b), Water Code, and to ensure that a production fee assessed pursuant to this provision is based on the amount of groundwater actually withdrawn from the well and may not exceed the amount established by the district for permitted nonagricultural use.</li> </ul>	<p>Same as Senate version, except as indicated below:</p> <p>House Floor Amendment #1 establishes a fee limit of \$1 per acre-foot for groundwater used for agricultural purposes.</p>	<p>SECTION 6. Same as House version.</p>



SENATE VERSION	HOUSE VERSION	CONFERENCE
<p>SECTION 6. Repeals the following provisions of the Special District Local Laws Code: Section 8821.021(c) and Sections 8821.003 and 8821.023.</p> <p>No equivalent provision.</p> <p>SECTION 7. Provides that proper legal notice has been provided to required parties, the TCEQ has filed its recommendations, and all constitutional and legal requirements have been fulfilled.</p> <p>SECTION 8. Provides for immediate effect if the Act receives the required 2/3 vote of each house. If the Act does not receive the required vote, the Act takes effect September 1, 2009.</p>	<p>Same as Senate version.</p> <p>No equivalent provision.</p> <p>Same as Senate version.</p> <p>Same as Senate version.</p>	<p>SECTION 7. Same as Senate version.</p> <p>SECTION 8. Notwithstanding Sections 35.012 and 36.0151, Water Code, prohibits TCEQ, before September 1, 2011, from creating a groundwater conservation district in a priority groundwater management area in which the Southern Trinity Groundwater Conservation District is located or in a priority groundwater management area that is adjacent to the priority groundwater management area in which the Southern Trinity Groundwater District is located. <i>(The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)</i></p> <p>SECTION 9. Same as Senate version.</p> <p>SECTION 10. Same as Senate version.</p>

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO: Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives**

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

**IN RE: SB2513 by Averitt (Relating to the name and confirmation of, and to certain fees imposed by, the McLennan County Groundwater Conservation District and to the authority to create certain adjacent groundwater conservation districts.), Conference Committee Report**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

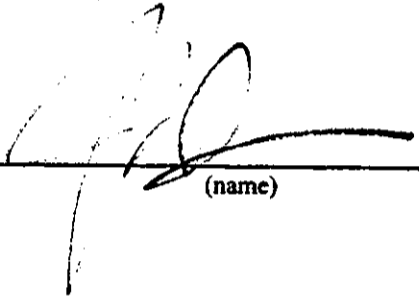
**Source Agencies:**

**LBB Staff: JOB, SD**

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 2513 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

  
\_\_\_\_\_  
(name)

5/30/09  
(date)