

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 27, 2015

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 3405, as Filed by Representative Jason Isaac-Relating to the territory and authority of the Barton Springs-Edwards Aquifer Conservation District to regulate certain wells for the production of groundwater.

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill amends the Barton Springs-Edwards Aquifer Conservation District (District) by adding new Special District Local Laws Code, §8802.0035 providing that the District includes territory in Hays County inside the boundaries of the Edwards Aquifer Authority (EAA), provides that EAA has jurisdiction over any well drilled to produce water from the Edwards Aquifer and the District has jurisdiction over any well that is drilled to produce water from any other aquifer in the shared territory, provides that the board of directors shall revise the single-member districts to reflect the inclusion of territory in Hays County, and validates and confirms all acts and proceedings by the District's board not involved in litigation if the litigation ultimately results in invalidation or has been held invalid by a final judgment of the court.

Sincerely,

A handwritten signature in cursive script that reads "Kellye Rila".

Kellye Rila, Director
Water Availability Division

cc: The Honorable Jim Keffer, Chairman, House Committee on Natural Resources
Representative Jason Isaac, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 3405

Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

3/13/2015

Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

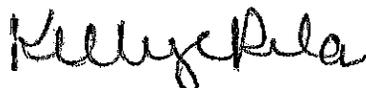
March 16, 2015

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality



84R HB 03405

By: Isaac

H.B. No. 3405

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the territory and authority of the Barton
3 Springs-Edwards Aquifer Conservation District to regulate certain
4 wells for the production of groundwater.

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

6 SECTION 1. Subchapter A, Chapter 8802, Special District
7 Local Laws Code, is amended by adding Section 8802.0035 to read as
8 follows:

9 Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The
10 territory of the district includes any territory that is:

11 (1) inside the boundaries of the Edwards Aquifer
12 Authority; and

13 (2) in Hays County.

14 (b) The Edwards Aquifer Authority has jurisdiction over any
15 well that is drilled to produce water from the Edwards Aquifer in
16 the shared territory described by Subsection (a).

17 (c) The district has jurisdiction over any well that is
18 drilled to produce water from any aquifer other than the Edwards
19 Aquifer in the shared territory described by Subsection (a).

20 (d) The district has jurisdiction over any well that is
21 drilled to produce water from the Edwards Aquifer or any other
22 aquifer in the territory described by Section 8802.003.

23 SECTION 2. As soon as practicable after the effective date
24 of this Act, and in conformance with the requirements of Section

1 8802.053, Special District Local Laws Code, the board of directors
2 of the Barton Springs-Edwards Aquifer Conservation District shall
3 revise the single-member districts as the board considers
4 appropriate to reflect the changes in territory made by Section
5 8802.0035, Special District Local Laws Code, as added by this Act.

6 SECTION 3. (a) The legislature validates and confirms all
7 acts and proceedings of the board of directors of the Barton
8 Springs-Edwards Aquifer Conservation District that were taken
9 before the effective date of this Act.

10 (b) Subsection (a) of this section does not apply to any
11 matter that on the effective date of this Act:

12 (1) is involved in litigation if the litigation
13 ultimately results in the matter being held invalid by a final
14 judgment of a court; or

15 (2) has been held invalid by a final judgment of a
16 court.

17 SECTION 4. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.

Austin American-Statesman
statesman.com | austin360.com

LEGAL NOTICE: This shall serve as notice of intent to introduce in the 84th Texas Legislature, Regular Session: (1) a bill to be entitled "An Act relating to the territory and authority of the Barton Springs-Edwards Aquifer Conservation District to regulate certain wells for the production of groundwater"; (2) a bill to be entitled "An Act relating to the territory and authority of the Hays Trinity Groundwater Conservation District to regulate certain wells for the production of groundwater"; or (3) other legislation expanding the territory and authority of the Barton Springs-Edwards Aquifer Conservation District or the Hays Trinity Groundwater Conservation District to regulate certain wells for the production of groundwater in areas of Hays County, Texas, not presently within the territory of either of those two conservation districts.

#372456 2-9/2015

STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared Justin Peterson. Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State that is generally circulated in Bastrop, Bell, Blanco, Brazos, Burleson, Burnet, Caldwell, Colorado, Comal, Coryell, Fayette, Gillespie, Gonzales, Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Nueces, San Saba, Travis, Washington and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published at the lowest published rate for Classified advertising in said newspaper on the following date(s), to wit: POL/J ISAAC/R/STATE REP., First date of Publication 02/09/2015, Last date of Publication 02/09/2015, Web and print times Published 2, Legal Notices, 1 X 24, and that the attached is a true copy of said advertisement.

INTENT TO INTRODUCE

Ad ID: 722148

Ad Cost: 237.84


SWORN AND SUBSCRIBED
02/10/2015

Notary Public



NADIA VAGDES, Notary Public
In and for the State of Ohio
My Commission Expires Sept. 2, 2019