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(In the Senate - Received from the House May 11, 2015; May 19, 2015, read first time and referred to Committee on Administration; May 21, 2015, reported favorably by the following vote: Yeas 6, Nays 0; May 21, 2015, sent to printer.)
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                                           COMMITTEE VOTE
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                                          Yea
                                                    Nav
                                                                Absent
                                                                                PNV
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                Hancock
                Uresti
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                Campbell
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                Huffines
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                Schwertner
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                West
                                      A BILL TO BE ENTITLED
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                                                AN ACT
       relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments, fees, or surcharges.
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                BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
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       SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8875 to read as follows:
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           CHAPTER 8875. COMAL TRINITY GROUNDWATER CONSERVATION DISTRICT
                              SUBCHAPTER A. GENERAL PROVISIONS
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                       8875.001. DEFINITIONS. In this chapter:
                              "Board" means the board
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                       (1)
                                                                  of directors of the
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        district.
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                       (2)
                              "Commission" means the Texas Commission on
        Environmental Quality.
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                              "Commissioners court" means the Comal County
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                       (3)
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        Commissioners Court.
                              "Director" means a member of the board.
"District" means the Comal Trinity Groundwater
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       Conservation District.
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                       (6) "Retail
                                         public utility" means a retail
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        utility as defined by Section 13.002, Water Code, that is providing
        service in the district.

Sec. 8875.002. NATURE OF DISTRICT.
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                                                                      The district
        groundwater conservation district in Comal County created under and
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        essential to accomplish the purposes of Section 59, Article XVI,
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       Texas Constitution.

Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of
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        Comal County, Texas, except that the district does not include any
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        territory that is included in the boundaries of the Trinity Glen
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        Rose Groundwater Conservation District.
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              Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails any provision of general law, including a provision of Chapter
                                                                                     <u>prevai</u>ls
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        36, Water Code, that is in conflict or is inconsistent with this
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        chapter.
       SUBCHAPTER B. BOARD OF DIRECTORS
Sec. 8875.051. COMPOSITION OF BOARD.
governed by a board of seven appointed directors.
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                                                                          The district
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                Sec. 8875.052. TERMS AND APPOINTMENT OF
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        Directors serve staggered four-year terms. Directors are appointed
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By: Miller of Comal (Senate Sponsor - Campbell) H.B. No. 2407

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precincts.

director appointed from each of the four commissioners court

shall

be

be

appointed from

appointed with

the

one

by the commissioners court as follows:

incorporated areas of Comal County; and

(2) four directors

(1) three directors shall

To be appointed under this section, a person:
(1) must be a registered voter of Comal County; (b)

to the extent practicable, should be familiar with the use of water by industry and commerce, municipal and rural utilities, agriculture, and private wells.

Sec. 8875.053. VACANCIES. If there is a vacancy on board, the commissioners court shall appoint a person to fill the vacancy for the remainder of the term in a manner that meets the representational requirements of Section 8875.052.

SUBCHAPTER C. POWERS AND DUTIES

101. GROUNDWATER CONSERVATION DISTRICT 8875. 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.

<u>Sec.</u> 8875.102. CONTRACTS. The district may contract with a state agency or political subdivision, including a municipality, a county, a river authority, or another district, to carry out any

function of the district.
Sec. 8875.103. BEST MANAGEMENT PRACTICES. (a) district may participate in the development and implementation of best management practices for water resource management in the district and may engage in and promote the acceptance of best management practices through education efforts sponsored by district.

(b) Development and implementation of best management practices must address water quantity and quality practices such as brush management, prescribed grazing, recharge structures, water and silt detention and retention structures, plugging of abandoned wells, rainwater harvesting, and other treatment measures for the conservation of water resources.

(c) The district may not adopt implement or management practice that is in conflict with or duplicative of a best management practice adopted by another groundwater best management practice adopted by another groundwater conservation district whose territory covers any part of Comal County.

Sec. 8875.104. LIMITATIONS ON DISTRICT POWERS. district may not:

(1) require the owner of a well exempt from permitting a meter or measuring device on the well; or to install

(2) assess and collect a production fee on wells exempt from permitting.

(b) The district does not have the authority granted by Sections 36.020 and 36.201-36.204, Water Code, relating to taxes.

Sec. 8875.105. PRODUCTION LIMITS AND PERMITS FOR CERTAIN

(a) In this section:

(1) "Maximum production capacity" means the rated capacity of a well that is measured in gallons per minute of production as certified by the driller of the well or a professional geologist or engineer.

"Trinity Aquifer" means the Trinity group (2) aquifers, including the:

(A) Upper Trinity, consisting of the Upper Glen

Rose Limestone;

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(B) Middle Trinity, consisting of the Lower Glen Rose Limestone, the Hensall Sand, and the Cow Creek Limestone; and (C) Lower Trinity, consisting of the Sligo Limestone and the Hosston Sand.

(b) Notwithstanding Section 36.117(j), Water Code, the district shall issue to an applicant a permit for a well that is not exempt from permitting and that was drilled into or through the Trinity Aquifer on or before the effective date of the Act enacting this chapter that authorizes the production of the well at an amount

not less than the maximum production capacity of the well.

(c) Notwithstanding Section 36.117(j), Water Code, a well that is not exempt from permitting and that was drilled into or through the Trinity Aquifer after the effective date of the Act enacting this chapter requires a permit from the district.

H.B. No. 2407 WELL EXEMPTION. A well is exempt from the 3 - 1Sec. 8875.106. requirement to obtain a withdrawal permit provided that the well: 3-2

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(1) is used solely for domestic use or for providing water for livestock or poultry regardless of land lot size and is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

(2) is not capable of producing more than 10,000 gallons of water a day;

gallons of water a day; or

(3) is metered and does not produce more than 10

acre-feet of water in a calendar year.

Sec. 8875.107. MEASURING DEVICES. (a) <u>The owner</u> nonexempt well shall install and maintain a water well meter, or alternative measuring device or method approved by the district, designed to indicate the flow rate and cumulative amount of water withdrawn by that well, on each individual well no later than 36 months after the effective date of the Act enacting this chapter.

(b) A well owner is responsible for the costs of installing,

operating, and maintaining measuring devices.

Sec. 8875.108. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8875.151. FEES. (a) The district may set a reasonable fee for administrative management on a per well basis. The district may set a fee for administrative management on:

(1) a well used solely for domestic or livestock purposes in an amount not greater than \$15 per well, per year; and

(2) a well that is exempt from permitting and that is

not used solely for domestic or livestock purposes in an amount not

greater than \$50 per well, per year.

(b) The district may impose reasonable production fees on each well that is not exempt from permitting based on the amount of water actually withdrawn from the well. The district may not impose a production fee under this subsection in an amount greater than:

(1) \$1 per acre-foot for groundwater used agricultural purposes; or (2) \$40 per acre-foot for groundwater used for any

other purpose.

SECTION 2. Not later than December 31, 2015, the Comal County Commissioners Court shall appoint the directors of the Comal Trinity Groundwater Conservation District as provided by Section 8875.052, Special District Local Laws Code, as added by this Act.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

- The governor, one of the required recipients, has the notice and Act to the Texas Commission on (b) submitted Environmental Quality.
- (c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house representatives within the required time.
- (d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

3-60 SECTION 4. This Act takes effect immediately if it receives 3-61 a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this 3-62 3-63 Act does not receive the vote necessary for immediate effect, this 3-64 Act takes effect September 1, 2015.

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