

By: Campbell

S.B. No. 963

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Comal Trinity Groundwater Conservation District; providing authority to issue bonds; providing authority to impose assessments and fees.

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

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8875 to read as follows:

CHAPTER 8875. COMAL TRINITY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8875.001. DEFINITIONS. In this chapter:

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

(2) "Commissioners court" means the Comal County Commissioners Court.

(3) "Director" means a member of the board.

(4) "District" means the Comal Trinity Groundwater Conservation District.

(5) "Domestic use" means residential household use.

(6) "Exempt well" means:

(A) a well incapable of producing more than 10,000 gallons of groundwater a day;

(B) a metered well that produces not more than 10 acre-feet of groundwater in a calendar year; or

(C) a well that is drilled, completed, or

1 equipped so that it is incapable of producing more than 25,000
2 gallons of groundwater a day and produces water for domestic use or
3 for livestock or poultry, regardless of land lot size.

4 (7) "Existing well" means a well drilled into or
5 through the Trinity Aquifer on or before the effective date of the
6 Act enacting this chapter.

7 (8) "New well" means a well drilled into or through the
8 Trinity Aquifer after the effective date of the Act enacting this
9 chapter.

10 (9) "Trinity Aquifer" means the Trinity Group of
11 aquifers, including the Upper Trinity, consisting of the upper Glen
12 Rose Limestone; the Middle Trinity, consisting of the lower member
13 of the Glen Rose Limestone, the Hensell Sand, and the Cow Creek
14 Limestone; and the Lower Trinity, consisting of the Sligo Limestone
15 and Hosston Sand.

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

20 Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial
21 boundaries of the district are coextensive with the boundaries of
22 Comal County, excluding any territory that is included in the
23 boundaries of the Trinity Glen Rose Groundwater Conservation
24 District.

25 Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails over
26 any provision of general law, including a provision of Chapter 36,
27 Water Code, that is in conflict or is inconsistent with this

1 chapter.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8875.051. APPOINTMENT OF DIRECTORS. (a) The district
4 is governed by a board of seven directors appointed by the
5 commissioners court as follows:

6 (1) three directors from the incorporated areas of
7 Comal County; and

8 (2) four directors, one from each of the four
9 commissioners court precincts.

10 (b) The commissioners court shall, to the degree possible,
11 consider directors familiar with the use of water by industry and
12 commerce, municipal and rural utilities, agriculture, and private
13 wells.

14 (c) A person appointed as a director must be a registered
15 voter of Comal County.

16 (d) A vacancy on the board shall be filled by the
17 commissioners court. A qualified person to fill a vacancy shall be
18 appointed to serve for the remainder of the unexpired term.

19 (e) The commissioners court shall appoint the district's
20 initial directors not later than December 31, 2015.

21 Sec. 8875.052. ORGANIZATIONAL MEETING OF DIRECTORS.

22 (a) As soon as practicable after all the directors have qualified
23 under Section 36.055, Water Code, a majority of the directors shall
24 convene the organizational meeting of the district at a location
25 within the district agreeable to a majority of the directors. At
26 the meeting, the directors shall elect a chair, vice chair,
27 secretary, and treasurer from among the directors.

1 (b) The initial directors shall draw lots to determine which
2 two directors shall serve a four-year term, which two directors
3 shall serve a three-year term, which two directors shall serve a
4 two-year term, and which director shall serve a one-year term.
5 Subsequent directors shall serve staggered four-year terms.

6 Sec. 8875.053. RULES AND FEES. The board may adopt rules
7 and assess fees to manage and operate the district.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8875.101. DISTRICT POWERS AND DUTIES. The district
10 has the rights, powers, privileges, functions, and duties provided
11 by the general law of this state, including Chapter 36, Water Code,
12 applicable to groundwater conservation districts created under
13 Section 59, Article XVI, Texas Constitution.

14 Sec. 8875.102. CONTRACTS. The district may contract with a
15 state agency or political subdivision, including, but not limited
16 to, a county, municipality, river authority, or another district,
17 to carry out any function of the district.

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

24 (b) Development and implementation of best management
25 practices must address water quantity and quality practices such as
26 brush management, prescribed grazing, recharge structures, water
27 and silt detention and retention structures, plugging of abandoned

1 wells, rainwater harvesting, and other treatment measures for the
2 conservation of water resources.

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

8 Sec. 8875.104. LIMITATIONS ON DISTRICT POWERS. (a) The
9 district may not:

10 (1) require the owner of an exempt well to install a
11 meter or measuring device on the well;

12 (2) except as provided by Subdivision (3), and
13 notwithstanding Section 36.122, Water Code, allow the sale,
14 transport, or export of groundwater produced from a well inside the
15 district to a person or location outside the district;

16 (3) prohibit the sale, transport, or export of
17 groundwater produced from a well inside the district to a person
18 located inside the territory covered by the well owner's
19 certificate of public convenience and necessity if the owner of a
20 well with a certificate of public convenience and necessity obtains
21 a permit from the district; or

22 (4) assess and collect a production fee on an exempt
23 well.

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

26 Sec. 8875.105. PERMITS. Notwithstanding Section
27 36.117(j), Water Code:

1 (1) an existing nonexempt well shall have its annual
2 groundwater production permitted at the well's maximum production
3 capacity and shall not be required to obtain a production permit;
4 and

5 (2) a new nonexempt well shall obtain a permit from the
6 district.

7 Sec. 8875.106. MEASURING DEVICES. (a) The owner of an
8 existing or new well that is not an exempt well shall install and
9 maintain a water-well meter, or alternative measuring device or
10 method approved by the district, designed to indicate the flow rate
11 and cumulative amount of water withdrawn by that well, on each
12 individual well no later than 36 months after the effective date of
13 the Act enacting this chapter.

14 (b) A well owner is responsible for the costs of installing,
15 operating, and maintaining measuring devices.

16 Sec. 8875.107. NO EMINENT DOMAIN. The district may not
17 exercise the power of eminent domain.

18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

19 Sec. 8875.151. FEES. (a) The district may set fees for
20 administrative acts of the district such as filing applications.
21 Fees set by the district may not unreasonably exceed the cost to the
22 district of performing the administrative function for which the
23 fee is charged. The district may set fees for administrative
24 management on domestic and livestock exempt wells with a cap of \$15
25 per year per well and a cap of \$50 per year per well on other exempt
26 wells.

27 (b) The district may impose reasonable production fees,

1 based on the amount of groundwater actually produced, on both new
2 and existing nonexempt wells. The district may not impose a
3 production fee in an amount greater than:

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

6 (2) \$40 per acre-foot for groundwater used for any
7 other purpose.

8 (c) The district may use money collected from fees:

9 (1) in any manner necessary for the management and
10 operation of the district;

11 (2) to pay all or part of the principal of and interest
12 on district bonds or notes; and

13 (3) for any purpose consistent with the district's
14 approved water management plan.

15 SECTION 2. (a) The legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
21 Government Code.

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

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