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|  | H.B. No. 2407 |

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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. | |
|  | 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)  "Commission" means the Texas Commission on | |
|  | Environmental Quality. | |
|  | (3)  "Commissioners court" means the Comal County | |
|  | Commissioners Court. | |
|  | (4)  "Director" means a member of the board. | |
|  | (5)  "District" means the Comal Trinity Groundwater | |
|  | Conservation District. | |
|  | (6)  "Retail public utility" means a retail public | |
|  | utility as defined by Section 13.002, Water Code, that is providing | |
|  | service in the district. | |
|  | Sec. 8875.002.  NATURE OF DISTRICT. The district is a | |
|  | groundwater conservation district in Comal County created under and | |
|  | essential to accomplish the purposes of Section 59, Article XVI, | |
|  | Texas Constitution. | |
|  | Sec. 8875.003.  INITIAL DISTRICT TERRITORY. The initial | |
|  | boundaries of the district are coextensive with the boundaries of | |
|  | Comal County, Texas, except that the district does not include any | |
|  | territory that is included in the boundaries of the Trinity Glen | |
|  | Rose Groundwater Conservation District. | |
|  | Sec. 8875.004.  CONFLICTS OF LAW. This chapter prevails | |
|  | over any provision of general law, including a provision of Chapter | |
|  | 36, Water Code, that is in conflict or is inconsistent with this | |
|  | chapter. | |
|  | SUBCHAPTER B. BOARD OF DIRECTORS | |
|  | Sec. 8875.051.  COMPOSITION OF BOARD. The district is | |
|  | governed by a board of seven appointed directors. | |
|  | Sec. 8875.052.  TERMS AND APPOINTMENT OF DIRECTORS. (a) | |
|  | Directors serve staggered four-year terms. Directors are appointed | |
|  | by the commissioners court as follows: | |
|  | (1)  three directors shall be appointed from the | |
|  | incorporated areas of Comal County; and | |
|  | (2)  four directors shall be appointed with one | |
|  | director appointed from each of the four commissioners court | |
|  | precincts. | |
|  | (b)  To be appointed under this section, a person: | |
|  | (1)  must be a registered voter of Comal County; and | |
|  | (2)  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 the | |
|  | 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 | |
|  | Sec. 8875.101.  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. | |
|  | Sec. 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)  The | |
|  | 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 the | |
|  | 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 or implement a best | |
|  | management practice that is in conflict with or duplicative of a | |
|  | best management practice adopted by another groundwater | |
|  | conservation district whose territory covers any part of Comal | |
|  | County. | |
|  | Sec. 8875.104.  LIMITATIONS ON DISTRICT POWERS. (a)  The | |
|  | district may not: | |
|  | (1)  require the owner of a well exempt from permitting | |
|  | to install a meter or measuring device on the well; or | |
|  | (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 | |
|  | WELLS. (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. | |
|  | (2)  "Trinity Aquifer" means the Trinity group of | |
|  | aquifers, including the: | |
|  | (A)  Upper Trinity, consisting of the Upper Glen | |
|  | Rose Limestone; | |
|  | (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. | |
|  | Sec. 8875.106.  WELL EXEMPTION. A well is exempt from the | |
|  | requirement to obtain a withdrawal permit provided that the well: | |
|  | (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; 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)  The owner of a | |
|  | 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 | |
|  | Sec. 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 for | |
|  | 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. | |
|  | (b)  The governor, one of the required recipients, has | |
|  | submitted the notice and Act to the Texas Commission on | |
|  | 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 of | |
|  | 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. | |
|  | SECTION 4.  This Act takes effect immediately if it receives | |
|  | a vote of two-thirds of all the members elected to each house, as | |
|  | provided by Section 39, Article III, Texas Constitution.  If this | |
|  | Act does not receive the vote necessary for immediate effect, this | |
|  | Act takes effect September 1, 2015. | |
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|  | President of the Senate | Speaker of the House |
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|  | I certify that H.B. No. 2407 was passed by the House on May 8, | |
|  | 2015, by the following vote:  Yeas 142, Nays 0, 2 present, not | |
|  | voting. | |
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|  | Chief Clerk of the House | |
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|  | I certify that H.B. No. 2407 was passed by the Senate on May | |
|  | 26, 2015, by the following vote:  Yeas 31, Nays 0. | |
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|  | Secretary of the Senate | |
|  | APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
|  | Date | |
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|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
|  | Governor | |