|  |  |
| --- | --- |
|   |  |
|   |
|   | H.B. No. 2407 |

|  |
| --- |
|   |
|   |
|   |
|   | 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. |
|   |
|   |
|   | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|   |    President of the Senate | Speaker of the House      |
|   |
|   |
|   |        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. |
|   |  |
|   | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|   | Chief Clerk of the House    |
|   |
|   |
|   |        I certify that H.B. No. 2407 was passed by the Senate on May |
|   | 26, 2015, by the following vote:  Yeas 31, Nays 0. |
|   |  |
|   | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|   | Secretary of the Senate     |
|   | APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|   |                    Date           |
|   |   |
|   |           \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|   |                  Governor        |