

1-1 By: Miller of Comal (Senate Sponsor - Campbell) H.B. No. 2407
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 19, 2015, read first time and referred to Committee on
 1-4 Administration; May 21, 2015, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Uresti	X			
1-9 Campbell	X			
1-10 Eltife	X			
1-11 Huffines	X			
1-12 Schwertner			X	
1-13 West	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Comal Trinity Groundwater
 1-18 Conservation District; providing authority to issue bonds;
 1-19 providing authority to impose assessments, fees, or surcharges.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle H, Title 6, Special District Local Laws
 1-22 Code, is amended by adding Chapter 8875 to read as follows:

1-23 CHAPTER 8875. COMAL TRINITY GROUNDWATER CONSERVATION DISTRICT

1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 8875.001. DEFINITIONS. In this chapter:

1-26 (1) "Board" means the board of directors of the
 1-27 district.

1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.

1-30 (3) "Commissioners court" means the Comal County
 1-31 Commissioners Court.

1-32 (4) "Director" means a member of the board.

1-33 (5) "District" means the Comal Trinity Groundwater
 1-34 Conservation District.

1-35 (6) "Retail public utility" means a retail public
 1-36 utility as defined by Section 13.002, Water Code, that is providing
 1-37 service in the district.

1-38 Sec. 8875.002. NATURE OF DISTRICT. The district is a
 1-39 groundwater conservation district in Comal County created under and
 1-40 essential to accomplish the purposes of Section 59, Article XVI,
 1-41 Texas Constitution.

1-42 Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial
 1-43 boundaries of the district are coextensive with the boundaries of
 1-44 Comal County, Texas, except that the district does not include any
 1-45 territory that is included in the boundaries of the Trinity Glen
 1-46 Rose Groundwater Conservation District.

1-47 Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails
 1-48 over any provision of general law, including a provision of Chapter
 1-49 36, Water Code, that is in conflict or is inconsistent with this
 1-50 chapter.

1-51 SUBCHAPTER B. BOARD OF DIRECTORS

1-52 Sec. 8875.051. COMPOSITION OF BOARD. The district is
 1-53 governed by a board of seven appointed directors.

1-54 Sec. 8875.052. TERMS AND APPOINTMENT OF DIRECTORS. (a)
 1-55 Directors serve staggered four-year terms. Directors are appointed
 1-56 by the commissioners court as follows:

1-57 (1) three directors shall be appointed from the
 1-58 incorporated areas of Comal County; and

1-59 (2) four directors shall be appointed with one
 1-60 director appointed from each of the four commissioners court
 1-61 precincts.

2-1 (b) To be appointed under this section, a person:
 2-2 (1) must be a registered voter of Comal County; and
 2-3 (2) to the extent practicable, should be familiar with
 2-4 the use of water by industry and commerce, municipal and rural
 2-5 utilities, agriculture, and private wells.

2-6 Sec. 8875.053. VACANCIES. If there is a vacancy on the
 2-7 board, the commissioners court shall appoint a person to fill the
 2-8 vacancy for the remainder of the term in a manner that meets the
 2-9 representational requirements of Section 8875.052.

2-10 SUBCHAPTER C. POWERS AND DUTIES

2-11 Sec. 8875.101. GROUNDWATER CONSERVATION DISTRICT POWERS
 2-12 AND DUTIES. The district has the rights, powers, privileges,
 2-13 functions, and duties provided by the general law of this state,
 2-14 including Chapter 36, Water Code, applicable to groundwater
 2-15 conservation districts created under Section 59, Article XVI, Texas
 2-16 Constitution.

2-17 Sec. 8875.102. CONTRACTS. The district may contract with a
 2-18 state agency or political subdivision, including a municipality, a
 2-19 county, a river authority, or another district, to carry out any
 2-20 function of the district.

2-21 Sec. 8875.103. BEST MANAGEMENT PRACTICES. (a) The
 2-22 district may participate in the development and implementation of
 2-23 best management practices for water resource management in the
 2-24 district and may engage in and promote the acceptance of best
 2-25 management practices through education efforts sponsored by the
 2-26 district.

2-27 (b) Development and implementation of best management
 2-28 practices must address water quantity and quality practices such as
 2-29 brush management, prescribed grazing, recharge structures, water
 2-30 and silt detention and retention structures, plugging of abandoned
 2-31 wells, rainwater harvesting, and other treatment measures for the
 2-32 conservation of water resources.

2-33 (c) The district may not adopt or implement a best
 2-34 management practice that is in conflict with or duplicative of a
 2-35 best management practice adopted by another groundwater
 2-36 conservation district whose territory covers any part of Comal
 2-37 County.

2-38 Sec. 8875.104. LIMITATIONS ON DISTRICT POWERS. (a) The
 2-39 district may not:

2-40 (1) require the owner of a well exempt from permitting
 2-41 to install a meter or measuring device on the well; or

2-42 (2) assess and collect a production fee on wells
 2-43 exempt from permitting.

2-44 (b) The district does not have the authority granted by
 2-45 Sections 36.020 and 36.201-36.204, Water Code, relating to taxes.

2-46 Sec. 8875.105. PRODUCTION LIMITS AND PERMITS FOR CERTAIN
 2-47 WELLS. (a) In this section:

2-48 (1) "Maximum production capacity" means the rated
 2-49 capacity of a well that is measured in gallons per minute of
 2-50 production as certified by the driller of the well or a professional
 2-51 geologist or engineer.

2-52 (2) "Trinity Aquifer" means the Trinity group of
 2-53 aquifers, including the:

2-54 (A) Upper Trinity, consisting of the Upper Glen
 2-55 Rose Limestone;

2-56 (B) Middle Trinity, consisting of the Lower Glen
 2-57 Rose Limestone, the Hensall Sand, and the Cow Creek Limestone; and

2-58 (C) Lower Trinity, consisting of the Sligo
 2-59 Limestone and the Hosston Sand.

2-60 (b) Notwithstanding Section 36.117(j), Water Code, the
 2-61 district shall issue to an applicant a permit for a well that is not
 2-62 exempt from permitting and that was drilled into or through the
 2-63 Trinity Aquifer on or before the effective date of the Act enacting
 2-64 this chapter that authorizes the production of the well at an amount
 2-65 not less than the maximum production capacity of the well.

2-66 (c) Notwithstanding Section 36.117(j), Water Code, a well
 2-67 that is not exempt from permitting and that was drilled into or
 2-68 through the Trinity Aquifer after the effective date of the Act
 2-69 enacting this chapter requires a permit from the district.

