

1-1 By: Campbell S.B. No. 963  
1-2 (In the Senate - Filed March 5, 2015; March 18, 2015, read  
1-3 first time and referred to Committee on Agriculture, Water, and  
1-4 Rural Affairs; April 28, 2015, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 April 28, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Perry</u>	X		
1-10	<u>Zaffirini</u>	X		
1-11	<u>Creighton</u>	X		
1-12	<u>Hall</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Rodríguez</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 963 By: Kolkhorst

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the creation of the Comal Trinity Groundwater  
1-20 Conservation District; providing authority to issue bonds;  
1-21 providing authority to impose assessments, fees, or surcharges.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle H, Title 6, Special District Local Laws  
1-24 Code, is amended by adding Chapter 8875 to read as follows:

1-25 CHAPTER 8875. COMAL TRINITY GROUNDWATER CONSERVATION DISTRICT

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8875.001. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the board of directors of the  
1-29 district.

1-30 (2) "Commission" means the Texas Commission on  
1-31 Environmental Quality.

1-32 (3) "Commissioners court" means the Comal County  
1-33 Commissioners Court.

1-34 (4) "Director" means a member of the board.

1-35 (5) "District" means the Comal Trinity Groundwater  
1-36 Conservation District.

1-37 (6) "Retail public utility" means a retail public  
1-38 utility as defined by Section 13.002, Water Code, that is providing  
1-39 service in the district.

1-40 Sec. 8875.002. NATURE OF DISTRICT. The district is a  
1-41 groundwater conservation district in Comal County created under and  
1-42 essential to accomplish the purposes of Section 59, Article XVI,  
1-43 Texas Constitution.

1-44 Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial  
1-45 boundaries of the district are coextensive with the boundaries of  
1-46 Comal County, Texas, except that the district does not include any  
1-47 territory that is included in the boundaries of the Trinity Glen  
1-48 Rose Groundwater Conservation District.

1-49 Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails  
1-50 over any provision of general law, including a provision of Chapter  
1-51 36, Water Code, that is in conflict or is inconsistent with this  
1-52 chapter.

1-53 SUBCHAPTER B. BOARD OF DIRECTORS

1-54 Sec. 8875.051. COMPOSITION OF BOARD. The district is  
1-55 governed by a board of seven appointed directors.

1-56 Sec. 8875.052. TERMS AND APPOINTMENT OF DIRECTORS.

1-57 (a) Directors serve staggered four-year terms. Directors are  
1-58 appointed by the commissioners court as follows:

1-59 (1) three directors shall be appointed from the  
1-60 incorporated areas of Comal County; and

1-61 (2) four directors shall be appointed with one

2-1 director appointed from each of the four commissioners court  
 2-2 precincts.

2-3 (b) To be appointed under this section, a person:

2-4 (1) must be a registered voter of Comal County; and

2-5 (2) to the extent practicable, should be familiar with  
 2-6 the use of water by industry and commerce, municipal and rural  
 2-7 utilities, agriculture, and private wells.

2-8 Sec. 8875.053. VACANCIES. If there is a vacancy on the  
 2-9 board, the commissioners court shall appoint a person to fill the  
 2-10 vacancy for the remainder of the term in a manner that meets the  
 2-11 representational requirements of Section 8875.052.

2-12 SUBCHAPTER C. POWERS AND DUTIES

2-13 Sec. 8875.101. GROUNDWATER CONSERVATION DISTRICT POWERS  
 2-14 AND DUTIES. The district has the rights, powers, privileges,  
 2-15 functions, and duties provided by the general law of this state,  
 2-16 including Chapter 36, Water Code, applicable to groundwater  
 2-17 conservation districts created under Section 59, Article XVI, Texas  
 2-18 Constitution.

2-19 Sec. 8875.102. CONTRACTS. The district may contract with a  
 2-20 state agency or political subdivision, including a municipality, a  
 2-21 county, a river authority, or another district, to carry out any  
 2-22 function of the district.

2-23 Sec. 8875.103. BEST MANAGEMENT PRACTICES. (a) The  
 2-24 district may participate in the development and implementation of  
 2-25 best management practices for water resource management in the  
 2-26 district and may engage in and promote the acceptance of best  
 2-27 management practices through education efforts sponsored by the  
 2-28 district.

2-29 (b) Development and implementation of best management  
 2-30 practices must address water quantity and quality practices such as  
 2-31 brush management, prescribed grazing, recharge structures, water  
 2-32 and silt detention and retention structures, plugging of abandoned  
 2-33 wells, rainwater harvesting, and other treatment measures for the  
 2-34 conservation of water resources.

2-35 (c) The district may not adopt or implement a best  
 2-36 management practice that is in conflict with or duplicative of a  
 2-37 best management practice adopted by another groundwater  
 2-38 conservation district whose territory covers any part of Comal  
 2-39 County.

2-40 Sec. 8875.104. LIMITATIONS ON DISTRICT POWERS. (a) The  
 2-41 district may not:

2-42 (1) require the owner of a well exempt from permitting  
 2-43 to install a meter or measuring device on the well; or

2-44 (2) assess and collect a production fee on wells  
 2-45 exempt from permitting.

2-46 (b) The district does not have the authority granted by  
 2-47 Sections 36.020 and 36.201-36.204, Water Code, relating to taxes.

2-48 Sec. 8875.105. PRODUCTION LIMITS AND PERMITS FOR CERTAIN  
 2-49 WELLS. (a) In this section:

2-50 (1) "Maximum production capacity" means the rated  
 2-51 capacity of a well that is measured in gallons per minute of  
 2-52 production as certified by the driller of the well or a professional  
 2-53 geologist or engineer at the time the well was initially  
 2-54 constructed or placed into service.

2-55 (2) "Trinity Aquifer" means the Trinity group of  
 2-56 aquifers, including the:

2-57 (A) Upper Trinity, consisting of the Upper Glen  
 2-58 Rose Limestone;

2-59 (B) Middle Trinity, consisting of the Lower Glen  
 2-60 Rose Limestone, the Hensell Sand, and the Cow Creek Limestone; and

2-61 (C) Lower Trinity, consisting of the Sligo  
 2-62 Limestone and the Hosston Sand.

2-63 (b) Notwithstanding Section 36.117(j), Water Code, the  
 2-64 district shall issue to an applicant a permit for a well that is not  
 2-65 exempt from permitting and that was drilled into or through the  
 2-66 Trinity Aquifer on or before the effective date of the Act enacting  
 2-67 this chapter that authorizes the production of the well at an amount  
 2-68 not less than the maximum production capacity of the well.

2-69 (c) Notwithstanding Section 36.117(j), Water Code, a well

3-1 that is not exempt from permitting and that was drilled into or  
3-2 through the Trinity Aquifer after the effective date of the Act  
3-3 enacting this chapter requires a permit from the district.

3-4 Sec. 8875.106. WELL EXEMPTION. A well is exempt from the  
3-5 requirement to obtain a withdrawal permit provided that the well:

3-6 (1) is used solely for domestic use or for providing  
3-7 water for livestock or poultry regardless of land lot size and is  
3-8 drilled, completed, or equipped so that it is incapable of  
3-9 producing more than 25,000 gallons of groundwater a day;

3-10 (2) is not capable of producing more than 10,000  
3-11 gallons of water a day; or

3-12 (3) is metered and does not produce more than 10  
3-13 acre-feet of water in a calendar year.

3-14 Sec. 8875.107. MEASURING DEVICES. (a) The owner of a  
3-15 nonexempt well shall install and maintain a water well meter, or  
3-16 alternative measuring device or method approved by the district,  
3-17 designed to indicate the flow rate and cumulative amount of water  
3-18 withdrawn by that well, on each individual well no later than 36  
3-19 months after the effective date of the Act enacting this chapter.

3-20 (b) A well owner is responsible for the costs of installing,  
3-21 operating, and maintaining measuring devices.

3-22 Sec. 8875.108. NO EMINENT DOMAIN. The district may not  
3-23 exercise the power of eminent domain.

3-24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-25 Sec. 8875.151. FEES. (a) The district may set a  
3-26 reasonable fee for administrative management on a per well basis.  
3-27 The district may set a fee for administrative management on:

3-28 (1) a well used solely for domestic or livestock  
3-29 purposes in an amount not greater than \$15 per well, per year; and

3-30 (2) a well that is exempt from permitting and that is  
3-31 not used solely for domestic or livestock purposes in an amount not  
3-32 greater than \$50 per well, per year.

3-33 (b) The district may impose reasonable production fees on  
3-34 each well that is not exempt from permitting based on the amount of  
3-35 water actually withdrawn from the well. The district may not impose  
3-36 a production fee under this subsection in an amount greater than:

3-37 (1) \$1 per acre-foot for groundwater used for  
3-38 agricultural purposes; or

3-39 (2) \$40 per acre-foot for groundwater used for any  
3-40 other purpose.

3-41 SECTION 2. Not later than December 31, 2015, the Comal  
3-42 County Commissioners Court shall appoint the directors of the Comal  
3-43 Trinity Groundwater Conservation District as provided by Section  
3-44 8875.052, Special District Local Laws Code, as added by this Act.

3-45 SECTION 3. (a) The legal notice of the intention to  
3-46 introduce this Act, setting forth the general substance of this  
3-47 Act, has been published as provided by law, and the notice and a  
3-48 copy of this Act have been furnished to all persons, agencies,  
3-49 officials, or entities to which they are required to be furnished  
3-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-51 Government Code.

3-52 (b) The governor, one of the required recipients, has  
3-53 submitted the notice and Act to the Texas Commission on  
3-54 Environmental Quality.

3-55 (c) The Texas Commission on Environmental Quality has filed  
3-56 its recommendations relating to this Act with the governor, the  
3-57 lieutenant governor, and the speaker of the house of  
3-58 representatives within the required time.

3-59 (d) All requirements of the constitution and laws of this  
3-60 state and the rules and procedures of the legislature with respect  
3-61 to the notice, introduction, and passage of this Act are fulfilled  
3-62 and accomplished.

3-63 SECTION 4. This Act takes effect immediately if it receives  
3-64 a vote of two-thirds of all the members elected to each house, as  
3-65 provided by Section 39, Article III, Texas Constitution. If this  
3-66 Act does not receive the vote necessary for immediate effect, this  
3-67 Act takes effect September 1, 2015.

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