

By: Miller of Comal

H.B. No. 2407

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, 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

1 essential to accomplish the purposes of Section 59, Article XVI,
2 Texas Constitution.

3 Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial
4 boundaries of the district are coextensive with the boundaries of
5 Comal County, Texas, except that the district does not include any
6 territory that is included in the boundaries of the Trinity Glen
7 Rose Groundwater Conservation District.

8 Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails
9 over any provision of general law, including a provision of Chapter
10 36, Water Code, that is in conflict or is inconsistent with this
11 chapter.

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8875.051. COMPOSITION OF BOARD. The district is
14 governed by a board of seven appointed directors.

15 Sec. 8875.052. TERMS AND APPOINTMENT OF DIRECTORS. (a)
16 Directors serve staggered four-year terms. Directors are appointed
17 by the commissioners court as follows:

18 (1) three directors shall be appointed from the
19 incorporated areas of Comal County; and

20 (2) four directors shall be appointed with one
21 director appointed from each of the four commissioners court
22 precincts.

23 (b) To be appointed under this section, a person:

24 (1) must be a registered voter of Comal County; and

25 (2) to the extent practicable, should be familiar with
26 the use of water by industry and commerce, municipal and rural
27 utilities, agriculture, and private wells.

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

5 SUBCHAPTER C. POWERS AND DUTIES

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

12 Sec. 8875.102. CONTRACTS. The district may contract with a
13 state agency or political subdivision, including a municipality, a
14 county, a river authority, or another district, to carry out any
15 function of the district.

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

22 (b) Development and implementation of best management
23 practices must address water quantity and quality practices such as
24 brush management, prescribed grazing, recharge structures, water
25 and silt detention and retention structures, plugging of abandoned
26 wells, rainwater harvesting, and other treatment measures for the
27 conservation of water resources.

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

6 Sec. 8875.104. LIMITATIONS ON DISTRICT POWERS. (a) The
7 district may not:

8 (1) require the owner of a well exempt from permitting
9 to install a meter or measuring device on the well; or

10 (2) assess and collect a production fee on wells
11 exempt from permitting.

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

14 Sec. 8875.105. PRODUCTION LIMITS AND PERMITS FOR CERTAIN
15 WELLS. (a) In this section:

16 (1) "Maximum production capacity" means the rated
17 capacity of a well that is measured in gallons per minute of
18 production as certified by the driller of the well or a professional
19 geologist or engineer.

20 (2) "Trinity Aquifer" means the Trinity group of
21 aquifers, including the:

22 (A) Upper Trinity, consisting of the Upper Glen
23 Rose Limestone;

24 (B) Middle Trinity, consisting of the Lower Glen
25 Rose Limestone, the Hensall Sand, and the Cow Creek Limestone; and

26 (C) Lower Trinity, consisting of the Sligo
27 Limestone and the Hosston Sand.

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

7 (c) Notwithstanding Section 36.117(j), Water Code, a well
8 that is not exempt from permitting and that was drilled into or
9 through the Trinity Aquifer after the effective date of the Act
10 enacting this chapter requires a permit from the district.

11 Sec. 8875.106. WELL EXEMPTION. A well is exempt from the
12 requirement to obtain a withdrawal permit provided that the well:

13 (1) is used solely for domestic use or for providing
14 water for livestock or poultry regardless of land lot size and is
15 drilled, completed, or equipped so that it is incapable of
16 producing more than 25,000 gallons of groundwater a day;

17 (2) is not capable of producing more than 10,000
18 gallons of water a day; or

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

21 Sec. 8875.107. MEASURING DEVICES. (a) The owner of a
22 nonexempt well shall install and maintain a water well meter, or
23 alternative measuring device or method approved by the district,
24 designed to indicate the flow rate and cumulative amount of water
25 withdrawn by that well, on each individual well no later than 36
26 months after the effective date of the Act enacting this chapter.

27 (b) A well owner is responsible for the costs of installing,

1 operating, and maintaining measuring devices.

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

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 8875.151. FEES. (a) The district may set a reasonable
6 fee for administrative management on a per well basis. The district
7 may set a fee for administrative management on:

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

10 (2) a well that is exempt from permitting and that is
11 not used solely for domestic or livestock purposes in an amount not
12 greater than \$50 per well, per year.

13 (b) The district may impose reasonable production fees on
14 each well that is not exempt from permitting based on the amount of
15 water actually withdrawn from the well. The district may not impose
16 a production fee under this subsection in an amount greater than:

17 (1) \$1 per acre-foot for groundwater used for
18 agricultural purposes; or

19 (2) \$40 per acre-foot for groundwater used for any
20 other purpose.

21 SECTION 2. Not later than December 31, 2015, the Comal
22 County Commissioners Court shall appoint the directors of the Comal
23 Trinity Groundwater Conservation District as provided by Section
24 8875.052, Special District Local Laws Code, as added by this Act.

25 SECTION 3. (a) The legal notice of the intention to
26 introduce this Act, setting forth the general substance of this
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,
2 officials, or entities to which they are required to be furnished
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4 Government Code.

5 (b) The governor, one of the required recipients, has
6 submitted the notice and Act to the Texas Commission on
7 Environmental Quality.

8 (c) The Texas Commission on Environmental Quality has filed
9 its recommendations relating to this Act with the governor, the
10 lieutenant governor, and the speaker of the house of
11 representatives within the required time.

12 (d) All requirements of the constitution and laws of this
13 state and the rules and procedures of the legislature with respect
14 to the notice, introduction, and passage of this Act are fulfilled
15 and accomplished.

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