

By: King of Uvalde

H.B. No. 4444

A BILL TO BE ENTITLED

AN ACT

relating to the management of groundwater by certain districts and the Texas Commission on Environmental Quality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 7.142(a) and (b), Water Code, are amended to read as follows:

(a) A person commits an offense if the person violates:

- (1) Section 11.081;
- (2) Section 11.083;
- (3) Section 11.084;
- (4) Section 11.087;
- (5) Section 11.088;
- (6) Section 11.089;
- (7) Section 11.090;
- (8) Section 11.091;
- (9) Section 11.092;
- (10) Section 11.093;
- (11) Section 11.094;
- (12) Section 11.096; or
- (13) [~~Section 11.203; or~~
[~~(14)~~] Section 11.205.

(b) An offense under Subsection (a)(9), (a)(10), or (a)(13) [~~(a)(14)~~] is punishable under Section 7.187(a)(1)(A) or (2)(B) [~~Section 7.187(1)(A) or Section 7.187(2)(B)~~] or both.

1 SECTION 2. Subchapter F, Chapter 11, Water Code, is amended
2 by adding Section 11.2011 to read as follows:

3 Sec. 11.2011. APPLICABILITY. This subchapter, other than
4 Sections 11.202(c) and 11.206, applies only to an artesian well
5 drilled outside the boundaries of a groundwater conservation
6 district, subsidence district, or other conservation and
7 reclamation district with the authority to regulate the drilling,
8 spacing, or production of water wells.

9 SECTION 3. Section 36.001, Water Code, is amended by adding
10 Subdivision (2-a) and amending Subdivisions (8) and (9) to read as
11 follows:

12 (2-a) "Conservation" means the practice of reducing
13 the consumption of water, reducing the loss or waste of water,
14 improving the efficiency in the use of water, or increasing the
15 recycling and reuse of water so that a water supply is made
16 available for future or alternative uses.

17 (8) "Waste" means any one or more of the following:

18 (A) withdrawal of groundwater from a groundwater
19 reservoir at a rate and in an amount that causes or threatens to
20 cause intrusion into the reservoir of water unsuitable for
21 agricultural, gardening, domestic, or stock raising purposes;

22 (B) the flowing or producing of wells from a
23 groundwater reservoir if the water produced is not used for a
24 beneficial purpose;

25 (C) escape of groundwater from a groundwater
26 reservoir to any other reservoir or geologic strata that does not
27 contain groundwater;

1 (D) pollution or harmful alteration of
2 groundwater in a groundwater reservoir by saltwater or by other
3 deleterious matter admitted from another stratum or from the
4 surface of the ground;

5 (E) willfully or negligently causing, suffering,
6 or allowing groundwater to escape into any river, creek, natural
7 watercourse, depression, lake, reservoir, drain, sewer, street,
8 highway, road, or road ditch, or onto any land other than that of
9 the owner of the well unless such discharge is authorized by permit,
10 rule, or order issued by the commission under Chapter 26;

11 (F) groundwater pumped for irrigation that
12 escapes as irrigation tailwater onto land other than that of the
13 owner of the well unless permission has been granted by the occupant
14 of the land receiving the discharge; ~~or~~

15 (G) the production or use of groundwater in an
16 amount that exceeds the amount reasonably necessary for the purpose
17 for which the groundwater is needed, not including the production
18 or use of groundwater for agricultural irrigation as necessary to
19 comply with federal crop insurance standards and guidelines; or

20 (H) drilling, completing, maintaining, or
21 operating a well that is not in compliance with the requirements of
22 Chapter 1901, Occupations Code, or applicable rules adopted under
23 that chapter [~~for water produced from an artesian well, "waste"~~
24 ~~also has the meaning assigned by Section 11.205].~~

25 (9) "Use for a beneficial purpose" means the
26 nonwasteful use of groundwater for:

27 (A) agricultural, gardening, domestic, stock

1 raising, municipal, mining, manufacturing, industrial, commercial,
2 recreational, or pleasure purposes;

3 (B) exploring for, producing, handling, or
4 treating oil, gas, sulphur, or other minerals; or

5 (C) any other purpose that is useful and
6 beneficial to the user.

7 SECTION 4. The following provisions of the Water Code are
8 repealed:

9 (1) Sections [11.202](#)(d) and (e);

10 (2) Section [11.203](#);

11 (3) Section [11.204](#); and

12 (4) Section [11.207](#).

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section [39](#), Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.