

By: Armbrister

S.B. No. 56

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of defined existing and historic use periods for certain groundwater conservation districts.

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

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1132 to read as follows:

Sec. 36.1132. DEFINED EXISTING AND HISTORIC USE PERIODS FOR CERTAIN DISTRICTS. (a) This section applies only to a groundwater conservation district created under Section 59, Article XVI, Texas Constitution, that:

(1) is, at least in part, adjacent to an international border;

(2) has within its boundaries a part of an aquifer that is regulated under Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993; and

(3) is not regulated under Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

(b) In implementing Section 36.113(e) or 36.116(b), a district may institute a process requiring an existing or historic user to prove the maximum annual amount of groundwater that the user applied to a beneficial use during the period from:

(1) June 1, 1972, to December 31, 1991; or

(2) January 1, 1992, to January 7, 2003.

(c) In implementing Subsection (b), for a user who produced

1 groundwater only within the final year of the period established
2 under Subsection (b)(2), a district may issue a permit for existing
3 or historic use based on an extrapolation of the user's beneficial
4 use of groundwater to the amount that would have been used in a full
5 calendar year for the same beneficial use.

6 (d) If a district limits or reduces total permitted
7 production within its boundaries in a manner consistent with its
8 certified groundwater district management plan under Section
9 36.1072, the district shall limit or reduce the amount of permitted
10 production of groundwater through proportionate reductions that
11 will apply equally among classes of users in the following order,
12 with all limitations or reductions that can be made in one class
13 being made in that class before proceeding with limitations or
14 reductions in the next subsequent class:

15 (1) new users, except as provided by Subdivision (2);

16 (2) the class of users described by Subsections (b)(1)
17 and (c), or any new user who was issued a permit by the district on
18 or before May 1, 2003, for the amount recognized in the permit; and

19 (3) the class of users described by Subsection (b)(2).

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect on the 91st day after the last day of the
25 legislative session.