

1-1 By: Armbrister S.B. No. 56
1-2 (In the Senate - Filed July 15, 2003; July 16, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 July 17, 2003, reported favorably, as amended, by the following
1-5 vote: Yeas 6, Nays 0; July 17, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Armbrister

1-7 Amend S.B. No. 56, on page 1, line 40, by striking "its" after
1-8 "with", and inserting "this chapter and the district's".

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the establishment of defined existing and historic use
1-12 periods for certain groundwater conservation districts.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter D, Chapter 36, Water Code, is amended
1-15 by adding Section 36.1132 to read as follows:

1-16 Sec. 36.1132. DEFINED EXISTING AND HISTORIC USE PERIODS FOR
1-17 CERTAIN DISTRICTS. (a) This section applies only to a groundwater
1-18 conservation district created under Section 59, Article XVI, Texas
1-19 Constitution, that:

1-20 (1) is, at least in part, adjacent to an international
1-21 border;

1-22 (2) has within its boundaries a part of an aquifer that
1-23 is regulated under Chapter 626, Acts of the 73rd Legislature,
1-24 Regular Session, 1993; and

1-25 (3) is not regulated under Chapter 626, Acts of the
1-26 73rd Legislature, Regular Session, 1993.

1-27 (b) In implementing Section 36.113(e) or 36.116(b), a
1-28 district may institute a process requiring an existing or historic
1-29 user to prove the maximum annual amount of groundwater that the user
1-30 applied to a beneficial use during the period from:

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

1-32 (2) January 1, 1992, to January 7, 2003.

1-33 (c) In implementing Subsection (b), for a user who produced
1-34 groundwater only within the final year of the period established
1-35 under Subsection (b)(2), a district may issue a permit for existing
1-36 or historic use based on an extrapolation of the user's beneficial
1-37 use of groundwater to the amount that would have been used in a full
1-38 calendar year for the same beneficial use.

1-39 (d) If a district limits or reduces total permitted
1-40 production within its boundaries in a manner consistent with its
1-41 certified groundwater district management plan under Section
1-42 36.1072, the district shall limit or reduce the amount of permitted
1-43 production of groundwater through proportionate reductions that
1-44 will apply equally among classes of users in the following order,
1-45 with all limitations or reductions that can be made in one class
1-46 being made in that class before proceeding with limitations or
1-47 reductions in the next subsequent class:

1-48 (1) new users, except as provided by Subdivision (2);

1-49 (2) the class of users described by Subsections (b)(1)

1-50 and (c), or any new user who was issued a permit by the district on
1-51 or before May 1, 2003, for the amount recognized in the permit; and

1-52 (3) the class of users described by Subsection (b)(2).

1-53 SECTION 2. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect on the 91st day after the last day of the
1-58 legislative session.

1-59 * * * * *