

By: Gattis

H.B. No. 2417

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the transfer of groundwater out of a groundwater conservation district.

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

SECTION 1. Section 36.122, Water Code, is amended by amending Subsections (c), (g), and (k) and adding Subsections (r), (s), and (t) to read as follows:

(c) Except as provided in Section 36.113(e) and Subsections (r) and (t) of this section, the district may not impose more restrictive permit conditions on transporters than the district imposes on existing in-district users.

(g) The district may not deny a permit based on the fact that the applicant seeks to transfer groundwater outside of the district but may limit a permit issued under this section if conditions in Subsection (f) warrant the limitation, subject to Subsection (c), or if the district is experiencing or is expected to experience critical groundwater problems, as provided by Subsection (r).

(k) Notwithstanding the period specified in Subsections (i) and (j) during which water may be transferred under a permit, a district may periodically review the amount of water that may be transferred under the permit and may limit the amount if additional factors considered in Subsection (f) warrant the limitation, subject to Subsection (c), or if the district is experiencing or is expected to experience critical groundwater problems, as provided

by Subsection (r). The review described by this subsection may take place not more frequently than the period provided for the review or renewal of regular permits issued by the district. In its determination of whether to renew a permit issued under this section, the district shall consider relevant and current data for the conservation of groundwater resources and shall consider the permit in the same manner it would consider any other permit in the district.

(r) A district may impose more restrictive permit conditions on transporters than the district imposes on in-district users if an area within the district is experiencing, or is expected to experience within the next 30 years, critical groundwater problems, including:

- (1) a shortage of surface water or groundwater;
- (2) land subsidence resulting from groundwater withdrawal; or
- (3) contamination of groundwater supplies.

(s) A determination of the existence or the anticipated existence of critical groundwater problems must be based on the district's groundwater availability modeling included in its groundwater management plan.

(t) Once a permit to transport groundwater out of the district has been issued by a district, the district may not impose more restrictive permit conditions on that transporter than the district imposes on in-district users unless the district provides that transporter a minimum of 15 years' written notice.

SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.