

By: Hilderbran

H.B. No. 2031

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulatory authority of groundwater conservation
3 districts.

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

5 SECTION 1. Section 36.101(a), Water Code, is amended to
6 read as follows:

7 (a) A district may make and enforce rules, including rules
8 limiting groundwater production based on tract size or the spacing
9 of wells, to provide for conserving, preserving, protecting, and
10 recharging of the groundwater or of a groundwater reservoir or its
11 subdivisions in order to control subsidence, prevent degradation of
12 water quality, or prevent waste of groundwater and to carry out the
13 powers and duties provided by this chapter. During the rulemaking
14 process the board shall consider all groundwater uses and needs and
15 shall develop rules which are fair and impartial. Rules adopted by
16 a district apply to wells located on land owned by the state or a
17 political subdivision.

18 SECTION 2. Section 36.117, Water Code, is amended by
19 amending Subsection (a) and adding Subsection (a-1) to read as
20 follows:

21 (a) Except as provided by Subsection (a-1), a [A] district
22 may exempt wells from the requirement of obtaining a drilling
23 permit, an operating permit, or any other permit required by this
24 chapter or the district's rules.

1 (a-1) A district may not exempt a well located on land owned
2 by the state or a political subdivision from the requirement of
3 obtaining a permit required by this chapter solely because the well
4 is located on land owned by the state or a political subdivision.

5 SECTION 3. Section 36.122, Water Code, is amended by adding
6 Subsection (r) to read as follows:

7 (r) District rules adopted to implement this section apply
8 to the state, a political subdivision, or an applicant seeking to
9 transfer groundwater withdrawn from a well located on land owned by
10 the state or a political subdivision.

11 SECTION 4. This Act takes effect September 1, 2005.