

Amend CSSB 1383 (House committee printing) in SECTION 1 of the bill as follows:

(1) Strike the recital to the section (page 1, lines 5 and 6) and substitute the following:

Section 36.119, Water Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (g), (h), (i), (j), and (k) to read as follows:

(2) Immediately following amended Subsection (c), Section 36.119, Water Code (page 2, between lines 8 and 9), insert the following:

(g) Before filing a suit under Subsection (b) or (c), an aggrieved party must file a written complaint with the district having jurisdiction over the well or wells drilled or operated without a required permit or in violation of a district rule. Except as provided by Subsection (h), the district shall investigate the complaint and, after notice and hearing, determine whether a district rule has been violated. Based on evidence presented at the hearing, the district shall make a determination under this subsection:

(1) not later than the 90th day after the date the written complaint was received by the district; or

(2) after providing written notice to the affected parties, not later than a date set by the district that is not later than the 160th day after the date the written complaint was received by the district.

(h) On or before the 10th day after the complaint is received by the district, the district may notify the affected parties that the district declines to conduct an investigation and make a determination under Subsection (g).

(i) The aggrieved party may file a suit under this section not before the earliest of:

(1) the date the district makes a determination under Subsection (g);

(2) the date the district provides notice that the district declines to conduct an investigation and make a determination under Subsection (g);

(3) the 91st day after the date the written complaint

was received by the district; or

(4) the day after the date set by the district under Subsection (g)(2).

(j) Notwithstanding Subsection (g), an aggrieved party described by Subsection (b) may sue a well owner or well driller to restrain or enjoin the drilling or completion of an illegal well after filing the written complaint with the district under Subsection (g) and without the need to wait for a hearing on the matter.

(k) This section does not apply to a well that is not subject to a district rule adopted under Section 36.116.