

By: Duncan

S.B. No. 1691

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a groundwater conservation district's regulation of
3 groundwater use by any person, including a state agency or
4 political subdivision.

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

6 SECTION 1. Subchapter A, Chapter 36, Water Code, is amended
7 by adding Section 36.003 to read as follows:

8 Sec. 36.003. APPLICABILITY OF GROUNDWATER REGULATIONS.

9 Each person, including a state agency, a political subdivision, and
10 any other legal entity, who produces groundwater inside the
11 boundaries of a district is subject to groundwater regulation under
12 this chapter, except as exempted under Section 36.117 or 36.121.

13 SECTION 2. Subsections (a) and (b), Section 36.102, Water
14 Code, are amended to read as follows:

15 (a) A district may enforce this chapter and its rules by
16 bringing an action for an injunction, mandatory injunction, or
17 other appropriate remedy in a court of competent jurisdiction
18 against any person, including a state agency, a political
19 subdivision, and any other legal entity, subject to groundwater
20 regulation under this chapter, except as exempted under Section
21 36.117 or 36.121.

22 (b) The board by rule may set reasonable civil penalties for
23 breach of any rule of the district by any person, including a state
24 agency, a political subdivision, and any other legal entity,

1 subject to groundwater regulation under this chapter not to exceed
2 \$10,000 per day per violation, and each day of a continuing
3 violation constitutes a separate violation.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.