

1-1 By: Duncan S.B. No. 1691  
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 24, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 24, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1691 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a groundwater conservation district's regulation of  
1-11 groundwater use by any person, including a state agency or  
1-12 political subdivision.

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

1-14 SECTION 1. Subchapter A, Chapter 36, Water Code, is amended  
1-15 by adding Section 36.003 to read as follows:

1-16 Sec. 36.003. APPLICABILITY OF GROUNDWATER REGULATIONS.  
1-17 Each person, including a state agency, a political subdivision, and  
1-18 any other legal entity, who produces groundwater inside the  
1-19 boundaries of a district is subject to groundwater regulation under  
1-20 this chapter, except as exempted under Section 36.117 or 36.121.

1-21 SECTION 2. Subsections (a) and (b), Section 36.102, Water  
1-22 Code, are amended to read as follows:

1-23 (a) A district may enforce this chapter and its rules by  
1-24 bringing an action for an injunction, mandatory injunction, or  
1-25 other appropriate remedy in a court of competent jurisdiction  
1-26 against any person, including a state agency, a political  
1-27 subdivision, and any other legal entity, subject to groundwater  
1-28 regulation under this chapter, except as exempted under Section  
1-29 36.117 or 36.121.

1-30 (b) The board by rule may set reasonable civil penalties for  
1-31 breach of any rule of the district by any person, including a state  
1-32 agency, a political subdivision, and any other legal entity,  
1-33 subject to groundwater regulation under this chapter not to exceed  
1-34 \$10,000 per day per violation, and each day of a continuing  
1-35 violation constitutes a separate violation.

1-36 SECTION 3. This Act takes effect immediately if it receives  
1-37 a vote of two-thirds of all the members elected to each house, as  
1-38 provided by Section 39, Article III, Texas Constitution. If this  
1-39 Act does not receive the vote necessary for immediate effect, this  
1-40 Act takes effect September 1, 2007.

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