

By: Rose

H.B. No. 4153

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an exemption from permitting requirements of the
3 Edwards Aquifer Authority for certain wells owned by a charitable
4 organization.

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

6 SECTION 1. Section 1.15(b), Chapter 626, Acts of the 73rd
7 Legislature, Regular Session, 1993, is amended to read as follows:

8 (b) Except as provided by Sections 1.17, ~~[and]~~ 1.33, and
9 1.337 of this article, a person may not withdraw water from the
10 aquifer or begin construction of a well or other works designed for
11 the withdrawal of water from the aquifer without obtaining a permit
12 from the authority.

13 SECTION 2. Chapter 626, Acts of the 73rd Legislature,
14 Regular Session, 1993, is amended by adding Section 1.337 to read as
15 follows:

16 Sec. 1.337. EXEMPTION FOR CERTAIN WELLS OWNED BY CHARITABLE
17 ORGANIZATIONS FROM PERMIT REQUIREMENTS. (a) Notwithstanding
18 Section 1.14(e) of this article, an owner of a well is exempt from
19 the requirement to obtain a permit for the well from the authority
20 if the well:

21 (1) is owned by an organization recognized by the
22 Internal Revenue Service as a tax-exempt organization under Section
23 501(c)(3) of the Internal Revenue Code of 1986;

24 (2) was in existence and owned by the charitable

1 organization before January 1, 2008; and

2 (3) produces less than one acre-foot of water per
3 year.

4 (b) A well described by Subsection (a) of this section is
5 not exempt from metering requirements applicable to a nonexempt
6 well under Section 1.31 of this article.

7 (c) An owner of a well described by Subsection (a) of this
8 section shall file with the authority a written report of water use
9 in the manner required by Section 1.32 of this article for a holder
10 of a permit.

11 (d) When a critical period stage is in effect, the authority
12 may require an owner of a well that qualifies for exemption under
13 Subsection (a) of this section to reduce groundwater withdrawals
14 from the well.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.