

1-1 By: Hegar S.B. No. 2006
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 23, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 23, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2006 By: Hegar

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

1-10 relating to the matters to be taken into consideration by a
1-11 groundwater conservation district in determining whether to grant
1-12 or deny a permit or permit amendment.

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

1-14 SECTION 1. Section 36.113, Water Code, is amended by
1-15 amending Subsection (d) and adding Subsection (j) to read as
1-16 follows:

1-17 (d) Before granting or denying a permit or permit amendment,
1-18 the district shall consider whether:

1-19 (1) the application conforms to the requirements
1-20 prescribed by this chapter and is accompanied by the prescribed
1-21 fees;

1-22 (2) the proposed use of water unreasonably affects
1-23 existing groundwater and surface water resources or existing permit
1-24 holders;

1-25 (3) the proposed use of water is a ~~[dedicated to any]~~
1-26 beneficial use;

1-27 (4) the proposed use of water is consistent with the
1-28 district's approved ~~[certified]~~ water management plan;

1-29 (5) if the well will be located in the Hill Country
1-30 Priority Groundwater Management Area, the proposed use of water
1-31 from the well is wholly or partly to provide water to a pond, lake,
1-32 or reservoir to enhance the appearance of the landscape;

1-33 (6) the applicant has agreed to avoid waste and
1-34 achieve water conservation; and

1-35 (7) the applicant has agreed that reasonable diligence
1-36 will be used to protect groundwater quality and that the applicant
1-37 will follow well plugging guidelines at the time of well closure.

1-38 (j) In issuing a permit or permit amendment, a district
1-39 operating under an adopted limit on available or managed available
1-40 groundwater may consider whether the water supply needs as
1-41 determined in the most recent regional water plan can be met.

1-42 SECTION 2. The change in law made by this Act applies only
1-43 to a permit or permit amendment issued by a groundwater
1-44 conservation district on or after the effective date of this Act. A
1-45 permit or permit amendment issued before the effective date of this
1-46 Act is governed by the law in effect on the date the permit or permit
1-47 amendment is issued, and that law is continued in effect for that
1-48 purpose.

1-49 SECTION 3. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2009.

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