

1-1 By: Hegar S.B. No. 2008
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. 2008 By: Hegar

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

1-10 relating to the consideration by a groundwater conservation
1-11 district of groundwater produced from exempt wells in issuing a
1-12 permit.

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 adding
1-15 Subsection (j) to read as follows:

1-16 (j) In issuing a permit or permit amendment, a district
1-17 operating under an adopted limit on available or managed available
1-18 groundwater may consider the amount of groundwater actually
1-19 produced by wells in the district that are exempt from the
1-20 district's permitting requirements. The amount of groundwater
1-21 actually produced from exempt wells:

1-22 (1) must be determined on the basis of technically
1-23 reliable measurement; and

1-24 (2) may not be determined on the basis of any
1-25 presumption or statutory limit.

1-26 SECTION 2. The change in law made by this Act applies only
1-27 to a permit or permit amendment issued by a groundwater
1-28 conservation district on or after the effective date of this Act. A
1-29 permit or permit amendment issued before the effective date of this
1-30 Act is governed by the law in effect on the date the permit or permit
1-31 amendment is issued, and that law is continued in effect for that
1-32 purpose.

1-33 SECTION 3. This Act takes effect immediately if it receives
1-34 a vote of two-thirds of all the members elected to each house, as
1-35 provided by Section 39, Article III, Texas Constitution. If this
1-36 Act does not receive the vote necessary for immediate effect, this
1-37 Act takes effect September 1, 2009.

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