

## **BILL ANALYSIS**

H.B. 2311  
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Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a groundwater conservation district may require drilling or operating permits based on the use of the groundwater to be withdrawn. However, there is concern that current law does not adequately address a permit exemption, which can result in confusion and potential litigation over the meaning and legislative intent of an exemption. H.B. 2311 seeks to address this concern by clarifying the applicability of certain permits.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to groundwater conservation districts in SECTION 1 of this bill.

### **ANALYSIS**

SECTION 1: Amends Section 36.117, Water Code as follows:

Sec 36.117(a) Specifies that a groundwater conservation district is authorized by rule to provide an exemption from the district's requirement to obtain a drilling permit, an operating permit, or any other permit required by provisions relating to groundwater conservation districts or the district's rules.

(b) Requires a district to provide an exemption from the district requirement to obtain a permit for the drilling or operating of certain wells and the drilling of certain water wells.

(c) Prohibits a district from restricting the production of water from any well as described.

(d) Authorizes the district, under certain conditions, to cancel a previously granted exemption and to require an operating permit for a well.

(f) Compliance with the district's well spacing rules for the drilling of any well except as stipulated may be required by the district.

(h) Stipulates a district must require an owner of a water well to register, equip and maintain the well according to the district's rules as specified.

(i) Requires the driller of a well to file with the district a required well log and, if available, the geophysical log.

(j) The exemption given in Subsection (b) of this SECTION does not apply to a well if the groundwater withdrawn is used to supply a subdivision of land requiring plat approval as specified.

(k) Stipulates the conditions and fees groundwater withdrawn under an exemption provided in accordance with this section is subjected.

SECTION 2: Provides for the effective date of this Act.

**EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.