

BILL ANALYSIS

H.B. 2420
By: King, Tracy O.
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Groundwater conservation districts may exempt certain water wells from the requirement to obtain a permit and certain statutory exemptions apply to small wells used for domestic, livestock, or poultry watering purposes. Interested parties report that several years ago certain stakeholders developed consensus recommendations for groundwater management for consideration by the legislature and that one of the recommendations dealt with the domestic, livestock, and poultry watering exemption and the attempts at balancing the need of groundwater districts to have wells within their permitting systems in order to achieve their management goals with the need for small wells for domestic, livestock, and poultry watering use located on sufficiently sized tracts of land. These parties report that the final consensus recommendation, subsequently adopted by the legislature, was to exempt from permitting any wells used for domestic, livestock, or poultry watering purposes on a tract of land larger than 10 acres in size that cannot produce more than 25,000 gallons of groundwater a day.

The parties further note that the recommendation was adopted in separate measures but that subsequent code revision efforts adopted by the legislature revised the statutory language and has left some confusion as to whether all three of the criteria in the consensus recommendation regarding tract size, well size, and purpose of use must exist in order for the statutory exemption to be realized for a well.

H.B. 2420 seeks to make grammatical and punctuation changes to eliminate the confusion and clarify that all three criteria must exist for the mandatory exemption to be recognized.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2420 amends the Water Code, in a provision prohibiting a groundwater conservation district from requiring any permit issued by the district for a well used solely for domestic use or for providing water for livestock or poultry on a tract of land larger than 10 acres and drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day, to clarify the condition that the well be located on the tract of land.

EFFECTIVE DATE

September 1, 2011.