

BILL ANALYSIS

S.B. 691
By: Estes
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Groundwater districts have reported problems with individuals and attorneys interpreting Section 36.117(b), Water Code, to mean that it is necessary to meet one factor, rather than the legislative intent that all three be met. S.B. 691 provides clarification of legislative intent and protects the current agriculture exemption from manipulation and misuse.

This bill would amend the Water Code to clarify that a groundwater conservation district may not require a permit for a well used for domestic use or for providing water to livestock and poultry, if the well is located on a tract of land larger than 10 acres and is incapable of producing more than 25,000 gallons of groundwater a day. S.B. 691 clarifies that all three factors must be met to be exempt from permitting.

As proposed, S.B. 691 amends current law relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 36.117(b), Water Code, as follows:

(b) Prohibits a district from requiring any permit issued by the district for certain wells, including a well used solely for domestic use, or for providing water for livestock or poultry, if the well is located on a tract of land larger than 10 acres, and the well is either drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.

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

EFFECTIVE DATE

Effective date: September 1, 2011.