

By: Martinez Fischer

H.B. No. 3194

A BILL TO BE ENTITLED

AN ACT

relating to the renewal or amendment of permits issued by groundwater conservation districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 36.113, Water Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) A district shall:

(1) renew a permit at the end of the permit term without requiring a hearing, provided that the application to renew the permit is:

(A) for the same point of withdrawal, place of use, and purpose of use; and

(B) in comparison to the amount of groundwater production authorized in the expiring permit, for the same or a lesser amount of groundwater; and

(2) consider an application to amend a permit without requiring a hearing for any portion of the permittee's amendment application that does not change the point of withdrawal, place of use, purpose of use, or permitted rate and amount of groundwater withdrawal.

SECTION 2. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1145 to read as follows:

Sec. 36.1145. PERMIT AMENDMENTS REQUIRED BY CHANGE IN AQUIFER CONDITIONS. (a) After notice and hearing conducted in

1 accordance with Subchapter M, a district may amend an operating
2 permit to adjust the amount or rate of authorized withdrawals based
3 on a finding, supported by a preponderance of the evidence
4 submitted by the general manager of the district, that a
5 significant change in aquifer conditions justifies the amendment.

6 (b) Under Subsection (a), a district may not amend the
7 amount or rate of withdrawals authorized for an operating permit by
8 more than five percent.

9 (c) A district that amends an operating permit under
10 Subsection (a) must similarly amend all operating permits in the
11 district that are affected by the change in aquifer conditions.

12 SECTION 3. Section 36.113, Water Code, as amended by this
13 Act, and Section 36.1145, Water Code, as added by this Act, apply
14 only to an application to renew or amend a permit submitted to a
15 groundwater conservation district on or after the effective date of
16 this Act. An application to renew or amend a permit submitted to a
17 district before that date is governed by the law in effect on the
18 date the application was submitted, and the former law is continued
19 in effect for that purpose.

20 SECTION 4. This Act takes effect September 1, 2011.