

By: Keffer

H.B. No. 3813

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the purpose and operation of groundwater conservation
3 districts.

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

5 SECTION 1. Section 36.0015, Water Code, is amended to read
6 as follows:

7 Sec. 36.0015. PURPOSE. In order to provide for the
8 conservation, preservation, protection, recharging, and prevention
9 of waste of groundwater, and of groundwater reservoirs or their
10 subdivisions, and to control subsidence caused by withdrawal of
11 water from those groundwater reservoirs or their subdivisions,
12 consistent with the objectives of Section 59, Article XVI, Texas
13 Constitution, groundwater conservation districts may be created as
14 provided by this chapter. Groundwater conservation districts
15 created as provided by this chapter are the state's preferred
16 method of groundwater management in order to protect property
17 rights, balance the development and conservation of groundwater to
18 meet the state's needs, and utilize the best available science,
19 through rules developed, adopted, and promulgated by a district in
20 accordance with the provisions of this chapter.

21 SECTION 2. Section 36.066, Water Code, is amended by
22 amending subsection (g) and adding a subsection (h) to read as
23 follows:

24 Sec. 36.066. SUITS. (g) If the district prevails in any

1 suit other than a suit in which it voluntarily intervenes, the
2 district may seek and the court may, in the interests of justice and
3 as provided by subsection (h), ~~[shall]~~ grant, in the same action,
4 recovery for attorney's fees, costs for expert witnesses, and other
5 costs incurred by the district before the court. The amount of the
6 attorney's fees shall be fixed by the court.

7 (h) If the district prevails on some, but not all, of the
8 issues in the suit, the court may award attorney's fees and costs
9 only for those issues on which the district prevails. The district
10 has the burden of segregating its attorney's fees and costs in order
11 for the court to make an award.

12 SECTION 3. Section 36.122, Water Code, subsections (a),
13 (b), (c), (e), and (h), are amended to read as follows:

14 Sec. 36.122. EXPORT ~~[TRANSFER]~~ OF GROUNDWATER OUT OF
15 DISTRICT. (a) If an application for a permit or an amendment to a
16 permit under Section 36.113 proposes the export ~~[transfer]~~ of
17 groundwater outside of a district's boundaries, the district may
18 also consider the provisions of this section in determining whether
19 to grant or deny the permit or permit amendment.

20 (b) A district may promulgate rules requiring a person to
21 obtain a permit or an amendment to a permit under Section 36.113
22 from the district to export ~~[for the transfer of]~~ groundwater ~~[out~~
23 ~~of the district]~~ to:

24 (1) increase, on or after March 2, 1997, the amount of
25 groundwater to be exported ~~[transferred]~~ under a continuing
26 arrangement in effect before that date; or

27 (2) export ~~[transfer]~~ groundwater ~~[out of the~~

1 ~~district]~~ on or after March 2, 1997, under a new arrangement.

2 (c) Except as provided in Section 36.113(e), the district
3 may not impose more restrictive permit conditions on exporters
4 [~~transporters~~] than the district imposes on existing in-district
5 users. The district may not deny a permit based on the fact that the
6 applicant seeks to export groundwater. A district may not prohibit
7 the export of groundwater.

8 (e) The district may impose an export [~~a reasonable~~] fee or
9 surcharge [~~for an export fee~~] using one of the following methods:

10 (1) a fee negotiated between the district and the
11 exporter [~~transporter~~];

12 (2) a rate not to exceed the equivalent of the
13 district's tax rate per hundred dollars of valuation for each
14 thousand gallons of water exported from [~~transferred out of~~] the
15 district or 2.5 cents per thousand gallons of water, if the district
16 assesses a tax rate of less than 2.5 cents per hundred dollars of
17 valuation; or

18 (3) for a fee-based district, a 50 percent export
19 surcharge, in addition to the district's production fee, for water
20 exported from [~~transferred out of~~] the district.

21 (h) In addition to conditions provided by Section 36.1131,
22 the permit shall specify:

23 (1) the amount of water that may be exported from
24 [~~transferred out of~~] the district; and

25 (2) the period for which the water may be exported
26 [~~transferred~~].

27 (p) Subsection (e) does not apply to a district that is

1 collecting an export fee or surcharge on March 1, 2001.

2 SECTION 4. Subsections (f), (g), (k), (l), (m), (n), (o),
3 and (q), Section [36.122](#), Water Code, are repealed.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section [39](#), Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2015.