

By: Estes

S.B. No. 1122

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on the authority to curtail groundwater production from wells used for power generation or mining.

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

SECTION 1. Section 36.117, Water Code, is amended by adding Subsection (m) to read as follows:

(m) This subsection applies to a well that produces groundwater directly or indirectly used to support the operation of a power generation facility or a mine that provides fuel to a power generation facility, including production for dewatering, potable water, and depressurization. Except as a result of a permit amendment requested by the permit holder, a district may not reduce or curtail production from a well or limit the groundwater production rate of a well to a rate or amount that is less than:

(1) the maximum rate or amount of withdrawal as of September 1, 2014, authorized by the permit, whether the permit was issued by the district or the Railroad Commission of Texas; or

(2) the maximum annual historical rate or amount of withdrawal recorded before September 1, 2014, if the well was in operation on that date and no permit from any entity was required for the operation of the well.

SECTION 2. 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

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2015.