

BILL ANALYSIS

Senate Research Center

S.B. 1009
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Agriculture, Water & Rural Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a groundwater conservation district (GCD) receives a permit application, one of the steps in their permitting process is to certify that the permit application is administratively complete. Currently, the statutory guidelines that regulate the information that a GCD may require for permit application to be administratively complete are open-ended and permissive. Examples of information that may be required for a permit to be administratively complete include the name and address of the applicant, a statement of the nature and purpose of the proposed use of water and the amount to be used, and the location of each well and the estimated rate of water withdrawal, among others.

S.B. 1009 seeks to clarify the items that a GCD may consider for an application to be deemed administratively complete. A GCD may only require that the current statutorily listed information be included when considering a permit to be administratively complete. In addition to the current statutory information, the GCD may also consider other information that is required by a rule of the GCD that is already in effect, so long as that information is reasonably related to an issue that GCDs are authorized to consider under Chapter 36, Water Code.

S.B. 1009 amends current law relating to administrative completeness requirements for permit and permit amendment applications for groundwater conservation districts.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.113(c), Water Code, as follows:

(c) Authorizes a groundwater conservation district (GCD) to require that only certain information be included in a permit or permit amendment application (application), as applicable under the rules of the GCD, including other information included in certain rules of the GCD in effect on the date the application is submitted and reasonably related to an issue that a GCD is authorized to consider.

SECTION 2. Amends Section 36.114(h), Water Code, as follows:

(h) Provides that an application is administratively complete if it contains the information set forth under Sections 36.113 (Permits for Wells; Permit Amendments) and 36.1131 (Elements of Permit). Prohibits a GCD from requiring that additional information be included in an application for a determination of administrative completeness. Makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 2017.