

By: Cortez

H.B. No. 4045

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and permitting of groundwater.

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

SECTION 1. Chapter 36, Water Code, is amended by adding new Section 36.1133 to read as follows:

Sec. 36.1133. PERMITS BASED ON CONTIGUOUS SURFACE ACREAGE.

(a) As used in this section, "Contiguous Surface Acres" means land that shares a common boundary or property line. The existence of a natural or manmade feature that separates or transects one or more tracts of land, including a road, fence, train track, or water course, which tract or tracts are owned by the same person or entity does not render the acreage noncontiguous.

(b) A district shall issue permits without notice or opportunity for hearing to the owner of a parcel of land that contains greater than 1000 contiguous surface acres and is included in the territory of two or more groundwater conservation districts.

(c) a permit issued pursuant to this section shall authorize the production of a volume of groundwater on a per acre basis equal to the greatest amount of groundwater authorized under permits previously issued by the district receiving the permit application by calculating the per acre-foot per acre volume authorized irrespective of whether the district has adopted rules to limit the production of groundwater on a per acre production basis.

(d) groundwater produced pursuant to a permit issued under

1 this section may be applied to any beneficial purpose including
2 outside of the boundaries of the district from which it was
3 produced.

4 (e) Sections 36.113-36.1132, 36.114-36.114, and 36.116 do
5 not apply to permits issued pursuant to this section.

6 SECTION 2. EFFECTIVE DATE. Except as otherwise provided by
7 this Act, this Act takes effect immediately if it receives a vote of
8 two-thirds of all the members elected to each house, as provided by
9 Section 39, Article III, Texas Constitution. If this Act does not
10 receive the vote necessary for immediate effect, this Act takes
11 effect September 1, 2017, except as otherwise provided by this Act.