

By: Lucio III

H.B. No. 2249

A BILL TO BE ENTITLED

AN ACT

relating to regulation of production of wells for retail public utilities by a groundwater conservation district.

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

SECTION 1. Section 36.116(c), Water Code, is amended to read as follows:

(c) In regulating the production of groundwater based on tract size or acreage, a district shall ~~[may]~~ consider the ~~[service needs or]~~ service area of a retail public utility that serves the territory where production is regulated by the district in accordance with this section and Section 36.1161. To determine the service area of a retail public utility for consideration under this section, a district shall determine the number of acres in the retail public utility's service area that overlies the aquifer from which a completed or proposed well owned by the retail public utility will produce groundwater and deduct from that number the number of acres in that portion of the service area that the district has permitted to landowners. On the anniversary of the date the permit was issued to the retail public utility, the district shall adjust the permit held by the retail public utility to account for the number of acres permitted to landowners in that portion of the service area since the most recent determination of acreage of the service area. For the purposes of this subsection, "retail public utility" has ~~[shall have]~~ the meaning assigned

1 ~~[provided]~~ by Section 13.002.

2 SECTION 2. Subchapter D, Chapter 36, Water Code, is amended
3 by adding Section 36.1161 to read as follows:

4 Sec. 36.1161. REGULATION OF PRODUCTION BY RETAIL PUBLIC
5 UTILITIES. (a) In this section, "retail public utility" has the
6 meaning assigned by Section 13.002.

7 (b) This section applies only to a district that regulates
8 production under Section 36.116 based on tract size or acreage.

9 (c) A district may not deny a permit for the production of
10 groundwater to a landowner because of the location of a well owned
11 by a retail public utility.

12 (d) A retail public utility may not file a protest or
13 objection to a landowner's application for a permit if the proposed
14 well is located in the retail public utility's service area.

15 SECTION 3. This Act takes effect September 1, 2019.