

By: Perry, et al.  
(King of Uvalde, et al.)

S.B. No. 152

Substitute the following for S.B. No. 152:

By: Harris

C.S.S.B. No. 152

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of groundwater conservation districts.

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

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1025 to read as follows:

Sec. 36.1025. PETITION TO CHANGE RULES. (a) A person with a real property interest in groundwater may petition the district where the property that gives rise to the real property interest is located to adopt a rule or modify a rule adopted under this chapter.

(b) The district by rule shall prescribe the form for a petition submitted under this section and the procedure for the submission, consideration, and disposition of the petition.

(c) Not later than the 90th day after the date the district receives the petition, the district shall:

(1) deny the petition and provide an explanation for the denial; or

(2) engage in rulemaking consistent with the granted petition.

(d) Nothing in this section may be construed to create a private cause of action for a decision to accept or deny a petition filed under this section.

SECTION 2. Section 36.1071, Water Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

1 (b) The management plan, or any amendments to the plan,  
2 shall:

3 (1) be developed using the district's best available  
4 data and forwarded to the regional water planning group for use in  
5 their planning process; and

6 (2) include the:

7 (A) most recently approved desired future  
8 conditions adopted under Section 36.108; and

9 (B) amount of modeled available groundwater  
10 corresponding to the most recently approved desired future  
11 conditions.

12 (b-1) A district shall amend a management plan before the  
13 second anniversary of the adoption of desired future conditions  
14 included under Subsection (b).

15 (b-2) If a petition challenging the reasonableness of a  
16 desired future condition is filed under Section 36.1083(b), the  
17 executive administrator shall consider the management plan  
18 administratively complete if the district includes:

19 (1) the most recently approved desired future  
20 conditions adopted under Section 36.108;

21 (2) the amount of modeled available groundwater  
22 corresponding to the desired future conditions;

23 (3) a statement of the status of the petition  
24 challenging the reasonableness of a desired future condition; and

25 (4) the information required by Subsections (a) and  
26 (e).

27 SECTION 3. Subchapter D, Chapter 36, Water Code, is amended

1 by adding Section 36.1141 to read as follows:

2 Sec. 36.1141. NOTICE REQUIRED FOR APPLICATION FOR PERMIT OR  
3 PERMIT AMENDMENT. (a) Except as provided by Subsection (b), a  
4 district that has adopted rules regulating the spacing of wells  
5 under Section 36.116(a)(1) to require wells to be spaced a certain  
6 distance from other wells shall adopt rules requiring that notice  
7 of an application for a permit or permit amendment to drill a well  
8 or increase the production capacity of an existing well be provided  
9 to each landowner whose:

10 (1) land is located wholly or partly within the  
11 spacing distances from other wells under the spacing rules of the  
12 district; and

13 (2) right to obtain a permit or permit amendment for a  
14 well of a certain size or location under the spacing rules of the  
15 district will be affected if the district approves the application.

16 (b) A district is not required to adopt rules requiring  
17 notice under Subsection (a):

18 (1) for a replacement well to be drilled at or near the  
19 location of the well which it is intended to replace that has an  
20 equal or lesser production capacity than the well which it is  
21 intended to replace as determined by the rules of the district;

22 (2) for an emergency well necessary to mitigate a loss  
23 of production capacity of an existing well as determined by the  
24 rules of the district;

25 (3) if the notice is to be provided to the lessors of  
26 the right to produce groundwater from a property where the  
27 applicant for the permit or permit amendment is the lessee; or

1           (4) if the district:

2                   (A) posts in a place readily accessible to the  
3 public at the district's main office a list of the applications  
4 described by Subsection (a) that includes the name of the applicant  
5 and address or approximate location of the well or proposed well;  
6 and

7                   (B) posts on the home page of the district's  
8 Internet website, if the district operates an Internet website:

- 9                           (i) a list described by Paragraph (A); or  
10                           (ii) a link to a web application that  
11 includes the information included on a list described by Paragraph  
12 (A).

13           SECTION 4. Not later than December 1, 2021, a groundwater  
14 conservation district shall adopt rules to implement Section  
15 36.1025, Water Code, as added by this Act.

16           SECTION 5. The changes in law made by this Act applicable to  
17 a petition filed under Section 36.1083, Water Code, apply only to a  
18 petition filed under that section on or after the effective date of  
19 this Act. A petition filed before the effective date of this Act is  
20 governed by the law in effect on the date the hearing was conducted,  
21 and the former law is continued in effect for that purpose.

22           SECTION 6. Section 36.1141, Water Code, as added by this  
23 Act, applies only to an application for a permit or permit amendment  
24 submitted on or after the effective date of this Act. An application  
25 submitted before the effective date of this Act is subject to the  
26 law in effect on the date the application is submitted, and that law  
27 is continued in effect for that purpose.

1 SECTION 7. This Act takes effect September 1, 2021.