88R23578 ANG-F

By:  King of Uvalde H.B. No. 4444

Substitute the following for H.B. No. 4444:

By:  King of Uvalde C.S.H.B. No. 4444

A BILL TO BE ENTITLED

AN ACT

relating to the management of groundwater by certain districts and the Texas Commission on Environmental Quality.

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

SECTION 1.  Sections 7.142(a) and (b), Water Code, are amended to read as follows:

(a)  A person commits an offense if the person violates:

(1)  Section 11.081;

(2)  Section 11.083;

(3)  Section 11.084;

(4)  Section 11.087;

(5)  Section 11.088;

(6)  Section 11.089;

(7)  Section 11.090;

(8)  Section 11.091;

(9)  Section 11.092;

(10)  Section 11.093;

(11)  Section 11.094;

(12)  Section 11.096; or

(13)  [~~Section 11.203; or~~

[~~(14)~~]  Section 11.205.

(b)  An offense under Subsection (a)(9), (a)(10), or (a)(13) [~~(a)(14)~~] is punishable under Section 7.187(a)(1)(A) or (2)(B) [~~Section 7.187(1)(A) or Section 7.187(2)(B)~~] or both.

SECTION 2.  Subchapter F, Chapter 11, Water Code, is amended by adding Section 11.2011 to read as follows:

Sec. 11.2011.  APPLICABILITY. This subchapter, other than Sections 11.202(c) and 11.206, applies only to an artesian well drilled outside the boundaries of a groundwater conservation district, subsidence district, or other conservation and reclamation district with the authority to regulate the drilling, spacing, or production of water wells.

SECTION 3.  Section 36.001, Water Code, is amended by adding Subdivision (2-a) and amending Subdivisions (8) and (9) to read as follows:

(2-a)  "Conservation" means the practice of reducing the consumption of water, reducing the loss or waste of water, improving the efficiency in the use of water, or increasing the recycling and reuse of water so that a water supply is made available for future or alternative uses.

(8)  "Waste" means any one or more of the following:

(A)  withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;

(B)  the flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;

(C)  escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;

(D)  pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;

(E)  willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26;

(F)  groundwater pumped for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; [~~or~~]

(G)  the production or use of groundwater in an amount that exceeds the amount reasonably necessary for the purpose for which the groundwater is needed, not including the production or use of groundwater for agricultural irrigation as necessary to comply with federal crop insurance standards and guidelines; or

(H)  drilling, completing, maintaining, or operating a well that is not in compliance with the requirements of Chapter 1901, Occupations Code, or applicable rules adopted under that chapter [~~for water produced from an artesian well, "waste" also has the meaning assigned by Section 11.205~~].

(9)  "Use for a beneficial purpose" means the nonwasteful use of groundwater for:

(A)  agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes;

(B)  exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or

(C)  any other purpose that is useful and beneficial to the user.

SECTION 4.  The following provisions of the Water Code are repealed:

(1)  Sections 11.202(d) and (e);

(2)  Section 11.203;

(3)  Section 11.204; and

(4)  Section 11.207.

SECTION 5.  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 Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.