

By: Nichols

S.B. No. 28

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of groundwater produced in the boundaries of a groundwater conservation district.

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

SECTION 1. Section 36.1132, Water Code, is amended by adding Subsection (d) to read as follows:

(d) A district may not issue a permit after December 1, 2025, to an applicant for the production and transfer out of the district of groundwater if the issuance of the permit would authorize the applicant to produce and transfer out of the district a total amount of groundwater, considering all permits issued by the district to the applicant, a subsidiary of the applicant, or an entity owned or controlled by the applicant, in an amount that would exceed five percent of the total modeled available groundwater apportioned to the district as determined by the executive administrator.

SECTION 2. Section 36.122, Water Code, is amended by adding Subsection (t) to read as follows:

(t) If an application for a permit or an amendment to a permit under Section 36.113 proposes the transfer of groundwater outside of a district's boundaries produced from a well capable of producing 25,000 gallons or more of groundwater a day, the district shall notify each other district located in that district's management area and may not issue the permit unless at least

1 two-thirds of all the districts located in the district's
2 management area approve the permit by a majority vote of each
3 district's board. The board of each district shall consider the
4 potential impact of the permit on the achievement of the desired
5 future conditions adopted under Section 36.108 for the management
6 area in determining whether to approve or deny the permit.

7 SECTION 3. Section 8863.103(c), Special District Local Laws
8 Code, is amended to read as follows:

9 (c) The district may determine that a transfer of
10 groundwater produced within the district's boundaries for use
11 outside the district's boundaries will not be considered a transfer
12 outside the district if the transfer[+]

13 ~~[(1) is for use as a potable water supply by a~~
14 ~~retail public utility and is within an authorized service area of~~
15 ~~which an appropriate portion, as determined by the district, is~~
16 ~~located inside the district's boundaries; or~~

17 ~~[(2)]~~ involves an emergency potable water
18 interconnect between retail public utilities.

19 SECTION 4. Section 36.122(t), Water Code, as added by this
20 Act, applies only to a permit issued by a groundwater conservation
21 district on or after the effective date of this Act.

22 SECTION 5. This Act takes effect on the 91st day after the
23 last day of the legislative session.