

BILL ANALYSIS

Senate Research Center
81R25529 SGA-D

C.S.S.B. 2008
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Natural Resources
4/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1, passed by the 75th Legislature, Regular Session, 1997, established a regional and state water planning process in addition to establishing that groundwater districts are the state's preferred method of groundwater management through rules developed, adopted, and promulgated by a district in accordance with Chapter 36 (Groundwater Conservation Districts), Water Code. These regional and state water plans map out how to conserve water supplies, meet future water supply needs, and respond to future droughts in the planning areas. H.B. 1763, passed by the 79th Legislature, Regular Session, 2005, changed how the amount of groundwater available for use is determined in Texas.

Districts are now required to work together in each groundwater management area to develop "desired future conditions" for their groundwater resources. The districts then deliver these desired future conditions to the Texas Water Development Board (TWDB), which in turn provides estimates of "managed available groundwater" to the districts for inclusion in their groundwater management plans and to the regional water planning groups for inclusion in their regional water plans.

When originally created, Chapter 36, Water Code, exempted certain wells from obtaining a permit, and while these wells are required to register with the appropriate groundwater conservation district, H.B. 1763 did not address how these exempt wells will be calculated to determine the managed available groundwater in each district.

C.S.S.B. 2008 amends current law relating to the consideration by a groundwater conservation district of groundwater produced from exempt wells in issuing a permit.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.113, Water Code, by adding Subsection (j), to authorize a district operating under an adopted limit on available or managed available groundwater, in issuing a permit or permit amendment, to consider the amount of groundwater actually produced by wells in the district that are exempt from the district's permitting requirements. Provides that the amount of groundwater actually produced from exempt wells is required to be determined on the basis of technically reliable measurement, and is prohibited from being determined on the basis of any presumption or statutory limit.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.