

BILL ANALYSIS

Senate Research Center
77R11468 SGA-F

H.B. 3587
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Under current law, water wells that produce less than 25,000 gallons of water per day are exempt from the groundwater conservation district (district) permitting process. This broad exemption may be interfering with the ability of some districts to properly manage groundwater resources. H.B. 3587 reduces the scope of this permitting process exemption to include only certain water wells capable of producing less than 25,000 gallons of water per day.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution in SECTION 1 (Section 36.117, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.117, Water Code, as follows:

Sec. 36.117. EXEMPTIONS; EXCEPTION; LIMITATIONS. (b) Prohibits a district from requiring a permit for certain wells. Deletes text regarding the alteration of a well, and text regarding certain wells permitted before September 1, 1985. Deletes text regarding the board's adoption of rules.

(c) Prohibits a district from restricting the production of any well exempted under Subsection (b)(1). Deletes text regarding a well equipped to produce 25,000 gallons or less a day. Deletes text regarding the district.

(d) Authorizes a district to require a well exempted under Subsection (b)(2) or (b)(3) to obtain a permit and comply with district rules if certain conditions exist.

(e) Requires a person required to obtain a permit for a well under Subsection (d)(2) to report monthly to the district certain information. Deletes text regarding applicability to wells.

(f) Prohibits a district, notwithstanding Subsection (d), from requiring a well exempted under Subsection (b)(3) to meet the spacing requirements of the district. Deletes text regarding water wells.

(g) Prohibits a district from denying an application for a permit to drill a water well to supply water for hydrocarbon production activities if the application is in compliance with the spacing, density, and production rules of the district.

(h) Requires a district to require water wells exempted under this section to be registered in accordance with rules adopted by the district. Deletes text regarding drilling. Requires a driller of an exempt well to file the well's drilling log with the district.

(i) Provides that a well to supply water for a subdivision of land for which a plat approval is required under Chapter 232 (County Regulation of Subdivision), Local Government Code, is not exempted under Subsection (b). Makes conforming changes.

(j) Provides that an exemption under this section does not affect a district's ability to impose fees under Section 36.122 or Subchapter G.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.