

BILL ANALYSIS

Senate Research Center

H.B. 3587
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Natural Resources
5/10/2001
Committee Report (Amended)

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 applicable to all permitted water wells 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.

(k) Requires groundwater withdrawn from a well exempt from permitting or regulation under this section and subsequently transported outside the boundaries of the district to be subject to any applicable production and export fees under Sections 36.122 and 36.205.

(l) Provides that this chapter applies to water wells, including water wells used to supply water for activities related to the exploration or production of hydrocarbons or minerals. Provides that this chapter does not apply to production or injection wells drilled under certain criteria under permits issued by the Railroad Commission of Texas.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends proposed Section 36.117(g), Water Code, and adds new Subsections (k) and (l).