

BILL ANALYSIS

Senate Research Center
80R15792 SGA-F

C.S.S.B. 1691
By: Duncan
Natural Resources
4/21/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 36 (Groundwater Conservation Districts), Water Code, requires all wells in a groundwater conservation district (district) to be permitted, except for wells listed as exempted from this section. This has been interpreted to mean that groundwater regulations apply to everyone, unless specifically exempted, but this is not sufficiently clear.

C.S.S.B. 1691 clarifies that groundwater conservation district regulations apply to all persons and certain entities who produce water inside the boundaries of a district unless they are specifically exempted by general or special law.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 36, Water Code, by adding Section 36.003, as follows:

Sec. 36.003. APPLICABILITY OF GROUNDWATER REGULATIONS. Provides that each person, including certain entities, who produces water inside the boundaries of a groundwater conservation district (district) is subject to groundwater regulation under this chapter (Groundwater Conservation Districts), except as exempted under Section 36.117 (Exemptions; Exception; Limitations) or 36.121 (Limitation on Rulemaking Power of Districts Over Wells in Certain Counties), Water Code.

SECTION 2. Amends Section 36.102(a) and (b), Water Code, as follows:

(a) Authorizes a district to enforce this chapter and its rules by bringing an action for an injunction, mandatory injunction, or other appropriate remedy against any person, including certain entities, subject to groundwater regulation under this chapter unless exempted under Sections 36.117 or 36.121, Water Code.

(b) Authorizes a district's board of directors by rule to set reasonable civil penalties for breach of any rule of the district by any person, including certain entities, subject to groundwater regulation under this chapter.

SECTION 3. Effective date: upon passage or September 1, 2007.