

BILL ANALYSIS

C.S.H.B. 3417
By: King, Tracy O.
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that wells exempt from certain permit requirements constitute a significant amount of the groundwater use in some areas of Texas and that groundwater conservation districts should consider the effects the grant or denial of certain permits or permit amendments would have on such wells before making that permitting decision. C.S.H.B. 3417 seeks to require such consideration.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3417 amends the Water Code to include as a consideration a groundwater conservation district is required to make before granting or denying certain permits or permit amendments the consideration of whether the proposed use of water unreasonably affects wells that are exempt from the requirement to obtain a permit under groundwater conservation district provisions or district rules.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3417 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 36.113(d), Water Code, is amended to read as follows:
(d) This subsection does not apply to the renewal of an operating permit issued under Section 36.1145. Before granting or

HOUSE COMMITTEE SUBSTITUTE

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(d) This subsection does not apply to the renewal of an operating permit issued under Section 36.1145. Before granting or

85R 25038

17.111.740

Substitute Document Number: 85R 23032

denying a permit, or a permit amendment issued in accordance with Section 36.1146, the district shall consider whether:

- (1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;
- (2) the proposed use of water unreasonably affects:
 - (A) existing groundwater and surface water resources; [Ø]
 - (B) existing permit holders; or
 - (C) registered wells that are exempt from the requirement to obtain a permit under this chapter or district rules;
- (3) the proposed use of water is dedicated to any beneficial use;
- (4) the proposed use of water is consistent with the district's approved management plan;
- (5) if the well will be located in the Hill Country Priority Groundwater Management Area, the proposed use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;
- (6) the applicant has agreed to avoid waste and achieve water conservation; and
- (7) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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- (1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;
- (2) the proposed use of water unreasonably affects:
 - (A) existing groundwater and surface water resources; [Ø]
 - (B) existing permit holders; or
 - (C) wells that are exempt from the requirement to obtain a permit under this chapter or district rules;
- (3) the proposed use of water is dedicated to any beneficial use;
- (4) the proposed use of water is consistent with the district's approved management plan;
- (5) if the well will be located in the Hill Country Priority Groundwater Management Area, the proposed use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;
- (6) the applicant has agreed to avoid waste and achieve water conservation; and
- (7) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.

SECTION 2. Same as introduced version.