(e) The range of restoration values in the range table used for Subsection (d) must be established from baseline wells and all available well sample data collected in the permit boundary and within one-quarter mile of the boundary of the production zone [The executive director may use an independent third party expert if:

1. the expert meets the qualifications set by commission rules for such experts;
2. the applicant for the authorization agrees to pay the costs for the work of the expert; and
3. the applicant for the authorization is not involved in the selection of the expert or the direction of the work of the expert].

(f) As an alternative to Subsection (d), the first application for an authorization issued under Subsection (c) for a production zone located within the boundary of a permit issued under Subsection (a) is subject to the requirements of Chapter 2001, Government Code, relating to an opportunity for a contested case hearing. The first authorization application must contain the following provisions:

1. a baseline water quality table with a range of groundwater quality restoration values used to measure groundwater restoration by the commission that complies with the same range requirements as a permit described by Subsection (a);
2. groundwater quality restoration values falling at or below the upper limit of the range established in Subdivision (1); and
3. groundwater baseline characteristics of the wells for the application required by commission rule.

(g) If a first authorization has previously been issued for a production zone located within the boundary of a permit, that authorization is effective for the purposes of this subsection. A subsequent authorization application for a production zone that is located within the same permit boundary as a production zone for which an authorization was issued under Subsection (f) is not subject to an opportunity for a contested case hearing or the hearing requirements of Chapter 2001, Government Code, unless the subsequent application would authorize the following:

1. the use of groundwater from a well that was not previously approved in the permit for supplemental production water;
2. expansion of the permit boundary; or
3. application monitoring well locations that exceed well spacing requirements or reduce the number of wells required by commission rule [An application seeking approval under Subsections (d)(1)-(3) is subject to the public notice and contested hearing requirements provided in Section 27.018].

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, 2013.

Passed by the House on May 2, 2013: Yeas 135, Nays 10, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1079 on May 23, 2013: Yeas 139, Nays 1, 2 present, not voting; passed by the Senate, with amendments, on May 20, 2013: Yeas 26, Nays 5.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 898

H.B. No. 1081

AN ACT

relating to a study regarding the prohibition of dairy farming in certain areas of the state.

2246
Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) In this Act:


(2) “Department” means the Department of State Health Services.

(b) The commission shall conduct a study regarding the current risk level for bovine tuberculosis, as determined epidemiologically and defined by rule of the commission, in areas of this state determined by the commission by rule to be infected with or at high risk for bovine tuberculosis.

(c) Not later than September 1, 2014, the commission shall submit a report regarding the results of the study to the Department of Agriculture, the governor, the lieutenant governor, the House Committee on Agriculture and Livestock, the Senate Committee on Agriculture, Rural Affairs, and Homeland Security, the House Committee on Public Health, and the Senate Committee on Health and Human Services. The report must include:

(1) to the extent possible, an assessment of the risk level for bovine tuberculosis presented by areas in Mexico bordering this state;

(2) to the extent possible, a description of the efforts taken by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food and other agencies of the United Mexican States to eliminate bovine tuberculosis in the state of Chihuahua and other areas;

(3) a description of the current practices adopted by the United States Department of Agriculture and the commission to eliminate bovine tuberculosis;

(4) an assessment of the risk level for bovine tuberculosis for the state if dairy farming were to occur in areas determined by the commission by rule to be infected with or at high risk for bovine tuberculosis; and

(5) an assessment of whether the areas determined by the commission by rule to be infected with or at high risk for bovine tuberculosis could be decreased in size.

(d) As soon as practicable, the commission shall present the report regarding the results of the study at an open meeting of the commission.

(e) This Act expires October 1, 2014.

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, 2013.

Passed by the House on May 3, 2013: Yeas 134, Nays 9, 1 present, not voting; passed by the Senate on May 20, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 899

H.B. No. 1086

AN ACT
relating to interruption of electric service by a residential landlord.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 92.008, Property Code, is amended by amending Subsections (b) and (f) and adding Subsections (h) through (r) to read as follows:

(b) Except as provided by this section, a [A] landlord may not interrupt or cause the interruption of water, wastewater, gas, or electric service furnished to a tenant by the landlord as an incident of the tenancy or by other agreement unless the interruption results from bona fide repairs, construction, or an emergency.

2247