

By: Harris of Anderson

H.B. No. 2443

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain persons to petition a groundwater conservation district to change certain rules.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1025 to read as follows:

Sec. 36.1025. PETITION TO CHANGE RULES. (a) A person with groundwater ownership and rights may petition the district where the property that gives rise to the ownership and rights is located to adopt a rule or modify a rule adopted under this chapter.

(b) A petition submitted under this section must include:

(1) an explanation of why the adoption or modification of the rule requested is necessary to be consistent with:

(A) ownership and rights recognized under Section 36.002; or

(B) conservation or beneficial use of the groundwater resources located in the district, in regard to either:

(i) the entire district; or

(ii) an aquifer, subdivision of an aquifer, or geologic strata located in the district; and

(2) proof that the petitioner has complied with the notice requirements described by Subsection (c).

(c) A petitioner under this section must provide written notice of the petition to each person with groundwater ownership

1 and rights in the geographic area that would be affected by the  
2 adoption or modification of the rule described in the petition.

3 (d) The district shall hold a hearing on a petition  
4 submitted under this section in the same manner as a rulemaking  
5 hearing described by Section 36.101.

6 (e) After a hearing held under Subsection (d), the district  
7 shall grant or deny the petition and may grant or deny the petition  
8 wholly or partly. The district shall provide an explanation for the  
9 action the district takes on the petition, including a  
10 determination about the consistency of the action with the concerns  
11 raised by the petitioner's explanation required by Subsection  
12 (b)(1).

13 (f) As soon as practicable after a petition or a portion of a  
14 petition is granted, the district shall engage in rulemaking  
15 consistent with the granted petition or the granted portion of the  
16 petition.

17 (g) A decision on a petition under Subsection (e) is final  
18 and appealable under Section 36.251.

19 SECTION 2. This Act takes effect September 1, 2023.