

By: Seliger

S.B. No. 1386

A BILL TO BE ENTITLED

AN ACT

relating to priority groundwater management areas.

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

SECTION 1. Subsection (a), Section 35.007, Water Code, is amended to read as follows:

(a) The executive director and the executive administrator shall meet periodically to identify, based on information gathered by the commission and the Texas Water Development Board, those areas of the state that are experiencing or that are expected to experience, within the immediately following 50-year [~~25-year~~] period, critical groundwater problems, including shortages of surface water or groundwater, land subsidence resulting from groundwater withdrawal, and contamination of groundwater supplies. Not later than September 1, 2005, the commission, with assistance and cooperation from the Texas Water Development Board, shall complete the initial designation of priority groundwater management areas across all major and minor aquifers of the state for all areas that meet the criteria for that designation. The studies may be prioritized considering information from the regional planning process, information from the Texas Water Development Board groundwater management areas and from groundwater conservation districts, and any other information available. After the initial designation of priority groundwater management areas, the commission and the Texas Water Development

1 Board shall annually review the need for additional designations as  
2 provided by this subsection.

3 SECTION 2. Section 35.008, Water Code, is amended by adding  
4 Subsection (j) to read as follows:

5 (j) The commission may adopt rules regarding:

6 (1) the creation of a district over all or part of a  
7 priority groundwater management area that was designated as a  
8 critical area under Chapter 35, Water Code, as that chapter existed  
9 before September 1, 1997, or under other prior law; and

10 (2) the addition of all or part of the land in a  
11 priority groundwater management area described by Subdivision (1)  
12 to an existing district.

13 SECTION 3. All governmental acts and proceedings, including  
14 the adoption of rules, of the Texas Commission on Environmental  
15 Quality relating to the creation of a groundwater conservation  
16 district over all or part of a priority groundwater management area  
17 that was designated as a critical area under Chapter 35, Water Code,  
18 as that chapter existed before September 1, 1997, or under other  
19 prior law, are validated in all respects as of the dates on which  
20 they occurred.

21 SECTION 4. Subsection (a), Section 35.007, Water Code, as  
22 amended by this Act, applies only to a designation of a priority  
23 groundwater management area made by the Texas Commission on  
24 Environmental Quality on or after the effective date of this Act. A  
25 designation made before the effective date of this Act is governed  
26 by the law in effect when the designation was made, and that law is  
27 continued in effect for that purpose.

1           SECTION 5. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2009.