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S.B. No. 2120

A BILL TO BE ENTITLED

AN ACT

relating to the management, operation, and review of groundwater conservation districts and to the potential impact of districts' rules and plans on the Carrizo-Wilcox aquifer.

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

SECTION 1. Subchapter D, Chapter 6, Water Code, is amended by adding Section 6.113 to read as follows:

Sec. 6.113. DUTY TO ESTABLISH TRAINING PROGRAM. (a) The board shall establish a training program for members of boards of directors and general managers of groundwater conservation districts that includes education in:

- (1) the provisions of Chapter 36;
- (2) the principles of hydrogeology;
- (3) relevant permitting procedures;
- (4) effective conservation practices;
- (5) conflicts of interest;
- (6) methods of conducting public hearings;
- (7) the responsibility of a director to provide financial oversight of a district; and
- (8) board management and accountability.

(b) As the board considers appropriate, the board may consult with stakeholders in the development of the training program under Subsection (a).

SECTION 2. Subsection (h), Section 36.0171, Water Code, is

1 amended to read as follows:

2 (h) If the majority of the votes cast at the election are
3 against the levy of a maintenance tax, the district shall set
4 production [~~permit~~] fees to pay for the district's regulation of
5 groundwater in the district, including fees based on the amount of
6 water to be withdrawn from a well.

7 SECTION 3. Subchapter C, Chapter 36, Water Code, is amended
8 by adding Section 36.069 to read as follows:

9 Sec. 36.069. REQUIRED TRAINING FOR DIRECTORS AND GENERAL
10 MANAGER. (a) Each director or general manager of a district shall
11 complete at least one hour of training in a program established by
12 the Texas Water Development Board under Section 6.113 during each
13 one-year period in which the person serves as a director or general
14 manager.

15 (b) The Texas Water Development Board or other entity
16 providing the training shall provide a certificate of course
17 completion to persons who complete the training required by this
18 section. A district shall maintain and make available for public
19 inspection the record of its directors' and general manager's
20 completion of the training.

21 (c) The failure of one or more of the directors or the
22 general manager of a district to complete the training required by
23 this section does not affect the validity of an action taken by the
24 district.

25 SECTION 4. The heading to Section 36.1071, Water Code, is
26 amended to read as follows:

27 Sec. 36.1071. DISTRICT MANAGEMENT PLAN.

1 SECTION 5. Section 36.1071, Water Code, is amended by
2 amending Subsections (a), (b), (c), (f), and (g) and adding
3 Subsection (f-1) to read as follows:

4 (a) Following notice and hearing, the district shall, in
5 coordination with surface water management entities on a regional
6 basis, develop a [~~comprehensive~~] management plan that [~~which~~]
7 addresses the following management goals, as applicable:

- 8 (1) providing the most efficient use of groundwater;
- 9 (2) controlling and preventing waste of groundwater;
- 10 (3) controlling and preventing subsidence;
- 11 (4) addressing conjunctive surface water management
12 issues;
- 13 (5) addressing natural resource issues;
- 14 (6) addressing drought conditions;
- 15 (7) addressing conservation, recharge enhancement,
16 rainwater harvesting, precipitation enhancement, or brush control,
17 where appropriate and cost-effective; and
- 18 (8) addressing in a quantitative manner the desired
19 future conditions of the groundwater resources.

20 (b) The [~~A~~] district management plan, or any amendments to
21 the [~~a~~] district management plan, shall be developed [~~by the~~
22 ~~district~~] using the district's best available data and forwarded to
23 the regional water planning group for use in their planning
24 process.

25 (c) The commission and the Texas Water Development Board
26 shall provide technical assistance to a district in the development
27 of the district management plan required under Subsection (a) which

1 may include, if requested by the district, a preliminary review and
2 comment on the plan prior to final approval by the board. If such
3 review and comment by the commission is requested, the commission
4 shall provide comment not later than 30 days from the date the
5 request is received.

6 (f) [~~The district shall adopt rules necessary to implement~~
7 ~~the management plan.~~] Prior to the development of the district's
8 first district management plan and [~~its~~] approval of that plan
9 under Section 36.1072, the district may not adopt rules other than
10 rules pertaining to the registration and interim permitting of new
11 and existing wells and rules governing spacing and procedure before
12 the district's board; however, the district may not adopt any rules
13 limiting the production of wells, except rules requiring that
14 groundwater produced from a well be put to a nonwasteful,
15 beneficial use. The district may accept applications for permits
16 under Section 36.113, provided the district does not act on any such
17 application until the district's management plan is approved as
18 provided in Section 36.1072.

19 (f-1) After a district management plan is approved under
20 Section 36.1072, the district shall adopt or amend rules limiting
21 the production of wells or allocating groundwater as necessary to
22 implement the district management plan. The district may not adopt
23 rules limiting the production of wells or allocating groundwater or
24 amend the district's rules limiting the production of wells or
25 allocating groundwater if the district fails to:

26 (1) adopt a district management plan as required by
27 this section;

1 (2) submit a district management plan to the executive
2 administrator as required by Section 36.1072; and

3 (3) receive approval of the district management plan
4 under Section 36.1072.

5 (g) The district shall adopt amendments to the district
6 management plan as necessary. Amendments to the district
7 management plan shall be adopted after notice and hearing and shall
8 otherwise comply with the requirements of this section.

9 SECTION 6. Section 36.1072, Water Code, is amended to read
10 as follows:

11 Sec. 36.1072. TEXAS WATER DEVELOPMENT BOARD REVIEW AND
12 APPROVAL OF DISTRICT MANAGEMENT PLAN. (a) In this section,
13 "development board" means the Texas Water Development Board. A
14 district shall, not later than three years after the creation of the
15 district or, if the district required confirmation, after the
16 election confirming the district's creation, submit the district
17 management plan required under Section 36.1071 to the executive
18 administrator for review and approval.

19 (b) Within 60 days of receipt of a district management plan
20 adopted under Section 36.1071, readopted under Subsection (f) [~~(e)~~
21 ~~or (g)~~] of this section, or amended under Section 36.1073, the
22 executive administrator shall approve the district [~~a~~] management
23 plan if the plan is administratively complete. A management plan is
24 administratively complete when it contains the information
25 required to be submitted under Section 36.1071(a) and (e). The
26 executive administrator may waive [~~determine whether conditions~~
27 ~~justify waiver of~~] the requirements under Section 36.1071(e)(4) if

1 the executive administrator determines that conditions justify the
2 waiver.

3 (c) Once the executive administrator has granted
4 administrative approval to ~~[approved]~~ a management plan:

5 (1) the executive administrator may not revoke but may
6 require revisions to the approved groundwater conservation
7 district management plan as provided by Subsection (g); and

8 (2) the executive administrator may request
9 additional information from the district if the information is
10 necessary to clarify, modify, or supplement previously submitted
11 material~~[, but a request for additional information does not render~~
12 ~~the management plan unapproved].~~

13 (d) Not later than the 60th day after the date of the
14 administrative approval of a district management plan under
15 Subsection (c), the executive administrator shall review the
16 district management plan to determine whether the district
17 management plan is adequate to achieve a desired future condition
18 established under Section 36.108(d) that is applicable to all or
19 part of the district, considering any available information
20 regarding groundwater levels, and:

21 (1) request additional information from the district;

22 (2) recommend that the district make substantive
23 changes to the plan; or

24 (3) approve the plan.

25 (e) A district management plan takes effect on approval by
26 the executive administrator or, if appealed, on approval by the
27 development board ~~[Texas Water Development Board].~~

1 (f) [~~(e)~~] The district may review the district management
2 plan annually and shall [~~must~~] review and readopt the plan with or
3 without revisions at least once every five years. The district
4 shall provide the readopted plan to the executive administrator not
5 later than the 60th day after the date on which the plan was
6 readopted. Approval of the preceding district management plan
7 remains in effect until:

8 (1) the district fails to timely readopt a district
9 management plan;

10 (2) the district fails to timely submit the district's
11 readopted district management plan to the executive administrator
12 for administrative approval under Subsection (b); or

13 (3) the executive administrator determines that the
14 readopted district management plan does not meet the requirements
15 for approval, and the district has exhausted all appeals to the
16 development board [~~Texas Water Development Board or appropriate~~
17 ~~court~~].

18 (g) [~~(f)~~] If the executive administrator does not approve
19 the district management plan, the executive administrator shall
20 provide to the district, in writing, the reasons the executive
21 administrator does not approve [~~for the action~~]. Not later than the
22 180th day after the date a district receives notice that the
23 executive administrator has not approved the district [~~its~~]
24 management plan [~~has not been approved~~], the district may submit a
25 revised district management plan for review and approval. The
26 executive administrator's decision may be appealed to the
27 development board [~~Texas Water Development Board~~]. If the

1 development board [~~Texas Water Development Board~~] decides not to
2 approve the revised district management plan on appeal, the
3 district may request that the conflict be mediated. The district
4 and the development board may seek the assistance of the Center for
5 Public Policy Dispute Resolution at The University of Texas School
6 of Law or an alternative dispute resolution system established
7 under Chapter 152, Civil Practice and Remedies Code, in obtaining a
8 qualified impartial third party to mediate the conflict. The cost
9 of the mediation services must be specified in the agreement
10 between the parties and the Center for Public Policy Dispute
11 Resolution or the alternative dispute resolution system. If the
12 parties do not resolve the conflict through mediation, the decision
13 of the development board [~~Texas Water Development Board~~] not to
14 approve the district management plan may be appealed to a district
15 court in Travis County. Costs for the appeal shall be set by the
16 court hearing the appeal. An appeal under this subsection is by
17 trial de novo. The commission shall not take enforcement action
18 against a district under Subchapter I until the later of the
19 expiration of the 180-day period, the date the development board
20 [~~Texas Water Development Board~~] has taken final action withholding
21 approval of a revised district management plan, the date the
22 mediation is completed, or the date a final judgment upholding the
23 development board's decision is entered by a district court. An
24 enforcement action may not be taken against a district by the
25 commission or the state auditor under Subchapter I because the
26 district [~~district's~~] management plan and the approved regional
27 water plan are in conflict while the parties are attempting to

1 resolve the conflict before the development board, in mediation, or
2 in court. Rules of the district continue in full force and effect
3 until all appeals under this subsection have been exhausted and the
4 final judgment is adverse to the district.

5 (h) [~~(g)~~ ~~In this subsection, "development board" means the~~
6 ~~Texas Water Development Board.~~] A person with a legally defined
7 interest in groundwater in a district, or the regional water
8 planning group, may file a petition with the development board
9 stating that a conflict requiring resolution may exist between the
10 district's approved management plan developed under Section
11 36.1071 and the state water plan. If a conflict exists, the
12 development board shall provide technical assistance to and
13 facilitate coordination between the involved person or regional
14 water planning group and the district to resolve the conflict. Not
15 later than the 45th day after the date the person or the regional
16 water planning group files a petition with the development board,
17 if the conflict has not been resolved, the district and the involved
18 person or regional planning group may mediate the conflict. The
19 district and the involved person or regional planning group may
20 seek the assistance of the Center for Public Policy Dispute
21 Resolution at The University of Texas School of Law or an
22 alternative dispute resolution system established under Chapter
23 152, Civil Practice and Remedies Code, in obtaining a qualified
24 impartial third party to mediate the conflict. The cost of the
25 mediation services must be specified in the agreement between the
26 parties and the Center for Public Policy Dispute Resolution or the
27 alternative dispute resolution system. If the district and the

1 involved person or regional planning group cannot resolve the
2 conflict through mediation, the development board shall resolve the
3 conflict not later than the 60th day after the date the mediation is
4 completed. The development board action under this provision may
5 be consolidated, at the option of the board, with related action
6 under Section 16.053(p). If the development board determines that
7 resolution of the conflict requires a revision of the approved
8 groundwater conservation district management plan, the development
9 board shall provide information to the district. The district
10 shall prepare any revisions to the plan based on the information
11 provided by the development board and shall hold, after notice, at
12 least one public hearing at some central location within the
13 district. The district shall consider all public and development
14 board comments, prepare, revise, and adopt its district management
15 plan, and submit the revised district management plan to the
16 development board for approval. On the request of the district or
17 the regional water planning group, the development board shall
18 include discussion of the conflict and its resolution in the state
19 water plan that the development board provides to the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives under Section 16.051(e). If the groundwater
22 conservation district disagrees with the decision of the
23 development board under this subsection, the district may appeal
24 the decision to a district court in Travis County. Costs for the
25 appeal shall be set by the court hearing the appeal. An appeal
26 under this subsection is by trial de novo.

27 SECTION 7. Section 36.1073, Water Code, is amended to read

1 as follows:

2 Sec. 36.1073. AMENDMENT TO DISTRICT MANAGEMENT PLAN. Any
3 amendment to a district [~~the~~] management plan shall be submitted to
4 the executive administrator within 60 days following adoption of
5 the amendment by the district's board. The executive administrator
6 shall review and approve any amendment that [~~which~~] substantially
7 affects the district management plan in accordance with the
8 procedures established under Section 36.1072.

9 SECTION 8. Subsections (b), (c), and (n), Section 36.108,
10 Water Code, are amended to read as follows:

11 (b) If two or more districts are located within the
12 boundaries of the same management area, each district shall
13 [~~prepare a comprehensive management plan as required by Section~~
14 ~~36.1071 covering that district's respective territory. On~~
15 ~~completion and approval of the plan as required by Section 36.1072,~~
16 ~~each district shall~~] forward a copy of the district's district [~~new~~
17 ~~or revised~~] management plan to the other districts in the
18 management area. The boards of the districts shall consider the
19 district management plans individually and shall compare them to
20 other district management plans then in force in the management
21 area.

22 (c) The presiding officer, or the presiding officer's
23 designee, of each district located in whole or in part in the
24 management area shall meet at least annually to conduct joint
25 planning with the other districts in the management area and to
26 review the district management plans and accomplishments for the
27 management area. In reviewing the district management plans, the

1 districts shall consider:

2 (1) the goals of each district management plan and its
3 impact on planning throughout the management area;

4 (2) the effectiveness of the measures established by
5 each district management plan for conserving and protecting
6 groundwater and preventing waste, and the effectiveness of these
7 measures in the management area generally;

8 (3) any other matters that the boards consider
9 relevant to the protection and conservation of groundwater and the
10 prevention of waste in the management area; and

11 (4) the degree to which each district management plan
12 achieves the desired future conditions established during the joint
13 planning process.

14 (n) The districts shall prepare [~~a~~] revised conditions
15 [~~plan~~] in accordance with development board recommendations and
16 hold, after notice, at least one public hearing at a central
17 location in the groundwater management area. After consideration
18 of all public and development board comments, the districts shall
19 revise the conditions and submit the conditions to the development
20 board for review.

21 SECTION 9. Section 36.1132, Water Code, is amended to read
22 as follows:

23 Sec. 36.1132. DISTRICT PLANS AND RULES TO ACHIEVE DESIRED
24 FUTURE CONDITION; PERMITS BASED ON MANAGED AVAILABLE GROUNDWATER.

25 (a) Not later than the second anniversary of the later of the date
26 that the districts in a management area establish one or more
27 desired future conditions under Section 36.108(d) or the date that

1 the districts receive the managed available groundwater amount from
2 the executive administrator under Section 36.108(o), each district
3 in the management area shall review its district management plan
4 and rules and adopt any amendments necessary to ensure that the
5 district will achieve a desired future condition applicable to all
6 or part of the district.

7 (b) A district, to the extent possible, shall issue permits
8 up to the point that the total volume of groundwater permitted
9 equals the managed available groundwater, if administratively
10 complete permit applications are submitted to the district. For
11 purposes of this subsection, a district may adjust the amount of
12 managed available groundwater provided to the district under
13 Section 36.108(o) or may adjust the amount of groundwater issued
14 under permits to account for exempt uses and known demands for
15 groundwater in the district based on a state or regional water plan.

16 SECTION 10. Subsection (b), Section 36.116, Water Code, is
17 amended to read as follows:

18 (b) In promulgating any rules limiting groundwater
19 production, the district may preserve historic or existing use
20 before the effective date of the rules to the maximum extent
21 practicable consistent with its district [~~the district's~~
22 ~~comprehensive~~] management plan under Section 36.1071 and as
23 provided by Section 36.113.

24 SECTION 11. Section 36.117, Water Code, is amended by
25 adding Subsection (e-1) to read as follows:

26 (e-1) An operator of a water well exempt under Subsection
27 (b)(2) or (3) shall report annually to the district for the exempt

1 well the total amount of groundwater withdrawn during the calendar
2 year.

3 SECTION 12. Section 36.207, Water Code, is amended to read
4 as follows:

5 Sec. 36.207. USE OF PRODUCTION [~~PERMIT~~] FEES AUTHORIZED BY
6 SPECIAL LAW. A district may use funds obtained from production
7 [~~permit~~] fees collected pursuant to the special law governing the
8 district for any purpose consistent with the district's district
9 [~~certified water~~] management plan including, without limitation,
10 making grants, loans, or contractual payments to achieve,
11 facilitate, or expedite reductions in groundwater pumping or the
12 development or distribution of alternative water supplies.

13 SECTION 13. Section 36.301, Water Code, is amended to read
14 as follows:

15 Sec. 36.301. VIOLATIONS RELATED TO DISTRICT [~~FAILURE TO~~
16 ~~SUBMIT A~~] MANAGEMENT PLAN. The commission shall take appropriate
17 action under Section 36.303 if:

18 (1) a district adopts or amends a rule in violation of
19 Section 36.1071(f-1);

20 (2) [~~If~~] a district [~~board~~] fails to submit a district
21 management plan or to receive certification of the district [~~its~~]
22 management plan under Section 36.1072;

23 (3) a district fails to timely readopt the district
24 management plan or to submit the readopted district management plan
25 to the executive administrator for approval in accordance with
26 Section 36.1072(f);

27 (4) the executive administrator determines that a

1 readopted district management plan does not meet the requirements
2 for approval, and the district has exhausted all appeals; or

3 (5) a district fails to submit or receive
4 certification of an amendment to the district management plan under
5 Section 36.1073 [~~the commission shall take appropriate action~~
6 ~~under Section 36.303~~].

7 SECTION 14. Section 36.3011, Water Code, is amended to read
8 as follows:

9 Sec. 36.3011. FAILURE OF DISTRICT TO CONDUCT JOINT
10 PLANNING. Not later than the 45th day after receiving the review
11 panel's report under Section 36.108, the executive director or the
12 commission shall take action to implement any or all of the panel's
13 recommendations. The commission may take any action against a
14 district it considers necessary in accordance with Section 36.303
15 if the commission finds that:

16 (1) a district has failed to submit its district
17 management plan to the executive administrator;

18 (2) a district has failed to adopt rules;

19 (3) the rules adopted by the district are not designed
20 to achieve the desired future condition of the groundwater
21 resources in the groundwater management area; or

22 (4) the groundwater in the management area is not
23 adequately protected by the rules adopted by the district, or the
24 groundwater in the management area is not adequately protected
25 because of the district's failure to enforce substantial compliance
26 with its rules.

27 SECTION 15. Subsection (c), Section 36.302, Water Code, is

1 amended to read as follows:

2 (c) In a review performed under Subsection (a), the state
3 auditor shall make a determination, based on an analysis of a
4 district's activities, of whether the [~~a~~] district is actively
5 engaged in achieving the objectives of the district [~~district's~~]
6 management plan, including a desired future condition established
7 under Section 36.108(d) that is applicable to all or part of the
8 district [~~based on an analysis of the district's activities~~].

9 SECTION 16. Subsection (a), Section 36.303, Water Code, is
10 amended to read as follows:

11 (a) If Section 36.108, 36.301, or 36.302(f) applies and if
12 the state auditor has performed a review of the district under
13 Section 36.302(a), the commission, after notice and hearing in
14 accordance with Chapter 2001, Government Code, shall take action
15 the commission considers appropriate, including:

16 (1) issuing an order requiring the district to take
17 certain actions or to refrain from taking certain actions;

18 (2) dissolving the board in accordance with Sections
19 36.305 and 36.307 and calling an election for the purpose of
20 electing a new board;

21 (3) requesting the attorney general to bring suit for
22 the appointment of a receiver to collect the assets and carry on the
23 business of the groundwater conservation district; or

24 (4) dissolving the district in accordance with
25 Sections 36.304, 36.305, and 36.308.

26 SECTION 17. STUDY AND REPORT. (a) The Texas Commission on
27 Environmental Quality shall conduct a study regarding the impact on

1 the entire Carrizo-Wilcox aquifer of rules and plans adopted by
2 groundwater conservation districts in whose boundaries the aquifer
3 is located and of determinations made by groundwater conservation
4 districts in connection with the joint planning process relating to
5 groundwater management areas in whose boundaries the aquifer is
6 located. In conducting the study, the commission shall examine:

7 (1) whether the rules and plans adopted by each
8 groundwater conservation district:

9 (A) are based on sound scientific principles;

10 (B) adequately conserve and protect the aquifer
11 and ensure the achievement of the applicable desired future
12 condition for each part of the district; and

13 (C) are likely to affect other groundwater
14 conservation districts or groundwater management areas;

15 (2) whether each district is enforcing substantial
16 compliance with its rules;

17 (3) whether the desired future conditions established
18 under Section 36.108, Water Code, in each groundwater management
19 area are reasonable and based on sound scientific principles, and
20 whether the rules adopted by each district are designed to achieve
21 the applicable desired future condition;

22 (4) other long-term impacts of the applicable rules
23 and plans on the aquifer, taking into consideration:

24 (A) projected population and agricultural,
25 municipal, and industrial demands for water from the aquifer within
26 the groundwater conservation districts; and

27 (B) other appropriate factors as determined by

1 commission rule; and

2 (5) whether the presence of contaminants in the
3 recharge area of the aquifer and the potential pollution of the
4 aquifer are issues that should be addressed and, if so, by whom.

5 (b) The Texas Water Development Board and the Bureau of
6 Economic Geology of The University of Texas at Austin shall assist
7 the Texas Commission on Environmental Quality in conducting the
8 study under this section.

9 (c) The Texas Commission on Environmental Quality may
10 contract with any appropriate person to assist the commission in
11 conducting the study under this section.

12 (d) Not later than December 31, 2012, the Texas Commission
13 on Environmental Quality shall report the results of the study
14 conducted under this Act to the governor, the lieutenant governor,
15 the speaker of the house of representatives, and the standing
16 committees in the senate and the house of representatives that have
17 primary jurisdiction over natural resources. The report may
18 include the commission's recommendations for legislation to
19 address any areas of concern.

20 (e) This section expires August 31, 2013.

21 SECTION 18. (a) Section 36.069, Water Code, as added by
22 this Act, applies to a member of the board of directors of a
23 groundwater conservation district who qualifies for office and to a
24 general manager of a groundwater conservation district who begins
25 employment with the district before, on, or after the effective
26 date of this Act. A person who is serving as a member of the board
27 of directors or as a general manager of a groundwater conservation

1 district on the effective date of this Act must complete the first
2 hour of training as required by Section 36.069, Water Code, as added
3 by this Act, not later than September 1, 2010.

4 (b) The changes in law made by this Act apply only to a
5 management plan or an amendment to a management plan that is
6 submitted by a groundwater conservation district to the executive
7 administrator of the Texas Water Development Board for review and
8 approval on or after the effective date of this Act. A management
9 plan or an amendment to a management plan that is submitted to the
10 executive administrator of the Texas Water Development Board before
11 the effective date of this Act is governed by the law in effect when
12 the management plan or amendment was submitted, and the former law
13 is continued in effect for that purpose.

14 (c) As soon as practicable after the effective date of this
15 Act, the Texas Water Development Board shall adopt rules to
16 implement Section 36.1072, Water Code, as amended by this Act.

17 (d) The first report under Subsection (e-1), Section
18 36.117, Water Code, as added by this Act, is due not later than
19 September 1, 2010.

20 (e) The change in law made by this Act to Section 36.301,
21 Water Code, applies only to a violation by a groundwater
22 conservation district that occurs on or after the effective date of
23 this Act. A violation that occurs before the effective date of this
24 Act is governed by the law in effect on the date the violation
25 occurred, and the former law is continued in effect for that
26 purpose.

27 (f) The change in law made by this Act to Section 36.302,

1 Water Code, applies only to a review of a groundwater conservation
2 district performed on or after the effective date of this Act. A
3 review of a groundwater conservation district performed before the
4 effective date of this Act is governed by the law in effect on the
5 date the review was performed, and the former law is continued in
6 effect for that purpose.

7 SECTION 19. This Act does not make an appropriation. A
8 provision in this Act that creates a new governmental program,
9 creates a new entitlement, or imposes a new duty on a governmental
10 entity is not mandatory during a fiscal period for which the
11 legislature has not made a specific appropriation to implement the
12 provision.

13 SECTION 20. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2009.