

By: Averitt

S.B. No. 2319

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a groundwater conservation district in a priority groundwater management area.

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

SECTION 1. Section 35.012, Water Code, is amended by amending Subsections (b) and (c) and adding Subsections (d) through (f) to read as follows:

(b) Except as provided under Section 35.013, within ~~Within~~ two years, but no sooner than 120 days, from the date on which the commission issues an order under Section 35.008 designating a priority groundwater management area, for those areas that are not within a district, the commission shall

~~(1)~~ create one or more new districts under Section 36.0151

~~(2) recommend that the areas, or a portion of the areas, be added to an existing district under Section 35.013; or~~

~~(3) take any combination of the actions under Subdivisions (1) and (2)].~~

(c) Except as provided by Subsection (d), a district created under Section 36.0151 must be composed of territory within two or more contiguous counties, unless the commission determines that a district composed of territory within noncontiguous counties will result in more effective or efficient groundwater management than other legal options available to the commission.

1       (d) A district created under Section 36.0151 may be composed  
2 of territory that exists within the boundaries of a single county  
3 only if:

4           (1) the territory within the single county is the only  
5 area within the designated priority groundwater management area  
6 that is not within a district; or

7           (2) there are other areas within the designated  
8 priority groundwater management area, but:

9                   (A) the other areas are not contiguous to the  
10 territory; and

11                   (B) the commission determines that creating a  
12 single district composed of two or more of the noncontiguous areas,  
13 including the territory, would result in less effective or less  
14 efficient management of groundwater resources in the territory than  
15 creating a district composed of the territory within the single  
16 county.

17       (e) For purposes of this section, the commission may  
18 consider territory in two separately designated priority  
19 groundwater management areas to be within the same designated  
20 priority groundwater management area if:

21           (1) the priority groundwater management areas share a  
22 common boundary and one or more common aquifers; and

23           (2) the commission determines that a district composed  
24 of territory within the two areas will result in more effective or  
25 efficient groundwater management than other legal options  
26 available to the commission.

27       (f) Following the issuance of a commission order under

1 Section 35.008, the Texas Agricultural Extension Service shall  
2 begin an educational program within such areas with the assistance  
3 and cooperation of the Texas Water Development Board, the  
4 commission, the Department of Agriculture, other state agencies,  
5 and existing districts to inform the residents of the status of the  
6 area's water resources and management options including possible  
7 formation of a district. The county commissioners court of each  
8 county in the priority groundwater management area shall form a  
9 steering committee to provide assistance to the Texas Agricultural  
10 Extension Service in accomplishing the goals of the education  
11 program within the area.

12 SECTION 2. Subsections (b), (c), (h), and (i), Section  
13 35.013, Water Code, are amended to read as follows:

14 (b) The commission shall submit a copy of the order to the  
15 board of the district to which it is recommending the priority  
16 groundwater management area be added. The board shall vote not  
17 later than the 120th day after receiving the copy of the order from  
18 the commission on the addition of the priority groundwater  
19 management area to the district and shall advise the commission of  
20 the outcome.

21 (c) If the board votes to accept the addition of the  
22 priority groundwater management area to the district, the board:

23 (1) may request the Texas Agricultural Extension  
24 Service, the commission, and the Texas Water Development Board,  
25 with the cooperation and assistance of the Department of  
26 Agriculture and other state agencies, to administer an educational  
27 program to inform the residents of the status of the area's water

1 resources and management options including possible annexation  
2 into a district;

3 (2) shall call an election to be held not later than  
4 the 270th day after the date of the board's vote under Subsection  
5 (b) within the priority groundwater management area, or portion of  
6 the priority groundwater management area, as delineated by the  
7 commission to determine whether [~~if~~] the priority groundwater  
8 management area will be added to the district; and

9 (3) shall designate election precincts and polling  
10 places for the elections in the order calling an election under this  
11 subsection.

12 (h) If the proposition is defeated, or if the board of the  
13 existing district votes not to accept the addition of the area to  
14 the district, then the commission shall, except as provided under  
15 Subsection (i), create under Section 36.0151 one or more districts  
16 covering the priority groundwater management area not later than  
17 the later of:

18 (1) the second anniversary of the date on which the  
19 commission issued its order under Section 35.008 designating a  
20 priority groundwater management area; or

21 (2) the 180th day after the date described under  
22 Subdivision (1) if the legislature is in session on the date  
23 described under Subdivision (1) and a bill has been filed and is  
24 pending before the legislature to create a district in all or part  
25 of the area or to add all or part of the area to an existing district  
26 [~~the first anniversary of the date on which the proposition is~~  
27 ~~defeated or the board votes not to accept the area].~~

1           (i) In creating a district under Section 36.0151, the  
2 commission may modify the recommendation issued in its order for  
3 district creation under Section 35.008 to reflect the failure of an  
4 area to be added to an existing district or to account for the  
5 creation of any new districts or the addition of any other territory  
6 in the priority groundwater management area to an existing district  
7 during the intervening period, provided, however, that such  
8 modification does not affect the deadlines for district creation  
9 under Section 35.012 or this section. For an area that is not  
10 feasible for the creation of one or more districts as determined in  
11 the commission's findings under Section 35.008, the commission  
12 shall include in its report under Section 35.018 recommendations  
13 for the future management of the priority groundwater management  
14 area.

15           SECTION 3. Notwithstanding Section 35.012, Water Code, as  
16 amended by this Act, and Section 36.0151, Water Code, the Texas  
17 Commission on Environmental Quality may not create a groundwater  
18 conservation district under Section 36.0151, Water Code, before  
19 September 1, 2011, in territory that exists within the boundaries  
20 of a single county in which total surface water use is more than 50  
21 times the total groundwater production and that is located in a  
22 priority groundwater management area.

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