

By: Averitt

S.B. No. 2321

A BILL TO BE ENTITLED

AN ACT

relating to the management of groundwater resources in the state.

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

SECTION 1. Subsection (c), Section 35.009, Water Code, is amended to read as follows:

(c) The commission shall also give written notice of the date, time, place, and purpose of the hearing to each state senator and state representative who represents any part of the area proposed for designation as a priority groundwater management area and the governing body of each county, regional water planning group, adjacent groundwater district, municipality, river authority, water district, or other entity which supplies public drinking water, including each holder of a certificate of convenience and necessity issued by the commission, and of each irrigation district, located either in whole or in part in the priority groundwater management area or proposed priority groundwater management area. The notice must be given before the 30th day preceding the date set for the hearing.

SECTION 2. Section 36.051, Water Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) Vacancies in the office of director shall be filled by appointment of the board. If the vacant office is not scheduled for election for longer than two years at the time of the appointment,

1 the board shall order an election for the unexpired term to be held
2 as part of the next regularly scheduled director's election. The
3 appointed director's term shall end on qualification of the
4 director elected at that election. Vacancies in the office of
5 director are subject to Subchapter B, Chapter 201, Election Code.

6 (e) The resignation of a director or a director-elect's
7 declination is subject to Subchapter A, Chapter 201, Election Code.

8 SECTION 3. Section 36.058, Water Code, is amended to read as
9 follows:

10 Sec. 36.058. CONFLICTS OF INTEREST. A director of a
11 district is subject to the provisions of Chapters [~~Chapter~~] 171 and
12 176, Local Government Code, relating to the regulation of conflicts
13 of officers of local governments.

14 SECTION 4. Section 36.111, Water Code, is amended by adding
15 Subsection (c) to read as follows:

16 (c) A district by rule may establish that the records and
17 reports required by the Texas Department of Licensing and
18 Regulation under its rules or Chapter 1901, Occupations Code,
19 satisfy the requirements of this section.

20 SECTION 5. Section 36.112, Water Code, is amended to read as
21 follows:

22 Sec. 36.112. DRILLERS' LOGS. A district shall require that
23 accurate drillers' logs be kept of water wells and that copies of
24 drillers' logs and electric logs be filed with the district. A
25 district by rule may establish that the drillers' logs required by
26 the Texas Department of Licensing and Regulation under its rules or
27 Chapter 1901, Occupations Code, satisfy the requirements of this

1 section.

2 SECTION 6. Subsection (b), Section 36.117, Water Code, is
3 amended to read as follows:

4 (b) A district may not require any permit issued by the
5 district for:

6 (1) a well used solely for domestic use or for
7 providing water for livestock or poultry on a tract of land larger
8 than 10 acres that is either drilled, completed, or equipped so that
9 it is incapable of producing more than 25,000 gallons of
10 groundwater a day;

11 (2) the drilling of a water well used solely to supply
12 water for a rig that is actively engaged in drilling or exploration
13 operations for an oil or gas well permitted by the Railroad
14 Commission of Texas provided that the person holding the permit is
15 responsible for drilling and operating the water well and the well
16 is located on the same lease or field associated with the drilling
17 rig; ~~or~~

18 (3) the drilling of a water well authorized under a
19 permit issued by the Railroad Commission of Texas under Chapter
20 134, Natural Resources Code, or for production from such a well to
21 the extent the withdrawals are required for mining activities
22 regardless of any subsequent use of the water; or

23 (4) a monitoring well, as defined by Section 1901.001,
24 Occupations Code.

25 SECTION 7. Subsection (a), Section 36.157, Water Code, is
26 amended to read as follows:

27 (a) A district may pay all costs and expenses necessarily

1 incurred in the creation and organization of a district, including
2 legal fees and other incidental expenses, and may reimburse any
3 person or governmental entity, including a county, for money
4 advanced for these purposes.

5 SECTION 8. This Act takes effect September 1, 2009.