

1-1 By: Averitt S.B. No. 2321
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 15, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the management of groundwater resources in the state.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (c), Section 35.009, Water Code, is
1-11 amended to read as follows:

1-12 (c) The commission shall also give written notice of the
1-13 date, time, place, and purpose of the hearing to each state senator
1-14 and state representative who represents any part of the area
1-15 proposed for designation as a priority groundwater management area
1-16 and the governing body of each county, regional water planning
1-17 group, adjacent groundwater district, municipality, river
1-18 authority, water district, or other entity which supplies public
1-19 drinking water, including each holder of a certificate of
1-20 convenience and necessity issued by the commission, and of each
1-21 irrigation district, located either in whole or in part in the
1-22 priority groundwater management area or proposed priority
1-23 groundwater management area. The notice must be given before the
1-24 30th day preceding the date set for the hearing.

1-25 SECTION 2. Section 36.051, Water Code, is amended by
1-26 amending Subsection (c) and adding Subsection (e) to read as
1-27 follows:

1-28 (c) Vacancies in the office of director shall be filled by
1-29 appointment of the board. If the vacant office is not scheduled for
1-30 election for longer than two years at the time of the appointment,
1-31 the board shall order an election for the unexpired term to be held
1-32 as part of the next regularly scheduled director's election. The
1-33 appointed director's term shall end on qualification of the
1-34 director elected at that election. Vacancies in the office of
1-35 director are subject to Subchapter B, Chapter 201, Election Code.

1-36 (e) The resignation of a director or a director-elect's
1-37 declination is subject to Subchapter A, Chapter 201, Election Code.

1-38 SECTION 3. Section 36.058, Water Code, is amended to read as
1-39 follows:

1-40 Sec. 36.058. CONFLICTS OF INTEREST. A director of a
1-41 district is subject to the provisions of Chapters [Chapter] 171 and
1-42 176, Local Government Code, relating to the regulation of conflicts
1-43 of officers of local governments.

1-44 SECTION 4. Section 36.111, Water Code, is amended by adding
1-45 Subsection (c) to read as follows:

1-46 (c) A district by rule may establish that the records and
1-47 reports required by the Texas Department of Licensing and
1-48 Regulation under its rules or Chapter 1901, Occupations Code,
1-49 satisfy the requirements of this section.

1-50 SECTION 5. Section 36.112, Water Code, is amended to read as
1-51 follows:

1-52 Sec. 36.112. DRILLERS' LOGS. A district shall require that
1-53 accurate drillers' logs be kept of water wells and that copies of
1-54 drillers' logs and electric logs be filed with the district. A
1-55 district by rule may establish that the drillers' logs required by
1-56 the Texas Department of Licensing and Regulation under its rules or
1-57 Chapter 1901, Occupations Code, satisfy the requirements of this
1-58 section.

1-59 SECTION 6. Subsection (b), Section 36.117, Water Code, is
1-60 amended to read as follows:

1-61 (b) A district may not require any permit issued by the
1-62 district for:

1-63 (1) a well used solely for domestic use or for
1-64 providing water for livestock or poultry on a tract of land larger

2-1 than 10 acres that is either drilled, completed, or equipped so that
2-2 it is incapable of producing more than 25,000 gallons of
2-3 groundwater a day;

2-4 (2) the drilling of a water well used solely to supply
2-5 water for a rig that is actively engaged in drilling or exploration
2-6 operations for an oil or gas well permitted by the Railroad
2-7 Commission of Texas provided that the person holding the permit is
2-8 responsible for drilling and operating the water well and the well
2-9 is located on the same lease or field associated with the drilling
2-10 rig; ~~or~~

2-11 (3) the drilling of a water well authorized under a
2-12 permit issued by the Railroad Commission of Texas under Chapter
2-13 134, Natural Resources Code, or for production from such a well to
2-14 the extent the withdrawals are required for mining activities
2-15 regardless of any subsequent use of the water; or

2-16 (4) a monitoring well, as defined by Section 1901.001,
2-17 Occupations Code.

2-18 SECTION 7. Subsection (a), Section 36.157, Water Code, is
2-19 amended to read as follows:

2-20 (a) A district may pay all costs and expenses necessarily
2-21 incurred in the creation and organization of a district, including
2-22 legal fees and other incidental expenses, and may reimburse any
2-23 person or governmental entity, including a county, for money
2-24 advanced for these purposes.

2-25 SECTION 8. This Act takes effect September 1, 2009.

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