

BILL ANALYSIS

H.B. 2112
By: Price
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Commission on Environmental Quality (TCEQ) projects future groundwater production using a 25-year horizon to determine areas where oversight and regulation may be needed. According to some interested parties, many areas of the state are producing significant amounts of groundwater without proper oversight and regulation by an existing groundwater conservation district. These parties assert that extending TCEQ's projections of groundwater production from 25 years to 50 years would allow for more comprehensive projections and would correspond to current statewide planning processes.

In addition, interested parties contend that there is confusion regarding the applicability of priority groundwater management area rules to previously designated critical areas because of a past legislative change in certain terminology relating to each of those areas. H.B. 2112 seeks to address these issues by establishing provisions relating to priority groundwater management areas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

H.B. 2112 amends the Water Code, in a provision requiring the executive director of the Texas Commission on Environmental Quality (TCEQ) and the executive administrator of the Texas Water Development Board to meet periodically to identify those areas of the state that are experiencing or that are expected to experience critical groundwater problems, to specify such areas as those areas of the state that are experiencing or that are expected to experience such problems within the immediately following 50-year period, rather than within the immediately following 25-year period.

H.B. 2112 authorizes TCEQ to adopt rules regarding the creation of a district over all or part of a priority groundwater management area that was designated as a critical area under certain Water Code provisions relating to groundwater studies as those provisions existed before September 1, 1997, or under other prior law, and the addition of all or part of the land in such a priority groundwater management area to an existing district.

H.B. 2112 validates all governmental acts and proceedings, including the adoption of rules, of TCEQ relating to the creation of a groundwater conservation district over all or part of a priority groundwater management area that was designated as a critical area under certain Water Code provisions relating to groundwater studies as those provisions existed before September 1, 1997, or under other prior law, in all respects as of the dates on which they occurred.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.