

By: Price

H.B. No. 2113

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 adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b-1) Except as provided by Subsection (b-2), a district created under Subchapter B, Chapter 36, must be composed of territory in two or more contiguous counties, unless the commission determines that a district composed of territory in noncontiguous counties will result in more effective or efficient groundwater management than other options available to the commission.

(b-2) A district created under Section 36.0151 may be composed of territory that exists in a single county only if:

(1) the territory in the county is the only area in the designated priority groundwater management area that is not in a district; or

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

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

(B) the commission determines that creating a single district composed of two or more of the noncontiguous areas, including the territory, would result in less effective or less

1 efficient management of groundwater resources in the territory than  
2 creating a district composed of the territory in the single county.

3 (b-3) For purposes of this section, the commission may  
4 consider territory in two separately designated priority  
5 groundwater management areas to be in the same designated priority  
6 groundwater management area if:

7 (1) the two areas share a common boundary and one or  
8 more common aquifers; and

9 (2) the commission determines that a district composed  
10 of territory in the two areas will result in more effective or  
11 efficient groundwater management than other options available to  
12 the commission.

13 SECTION 2. Sections 36.012(a) and (b), Water Code, are  
14 amended to read as follows:

15 (a) A district may include all or part of two ~~one~~ or more  
16 counties, and one or more municipalities ~~[cities]~~, districts, or  
17 other political subdivisions.

18 (b) A district must be composed of territory in two or more  
19 contiguous counties, unless the commission determines that a  
20 district composed of territory in noncontiguous counties will  
21 result in more effective or efficient groundwater management than  
22 other options available to the commission ~~[A district may not~~  
23 ~~include territory located in more than one county except on a~~  
24 ~~majority vote of the voters residing within the territory in each~~  
25 ~~county sought to be included in the district at an election called~~  
26 ~~for that purpose].~~

27 SECTION 3. Section 35.012(b-1), Water Code, as added by

1 this Act, and Section 36.012, Water Code, as amended by this Act,  
2 apply only to a district created on or after the effective date of  
3 this Act.

4         SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2011.