

By: Price

H.B. No. 2166

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the appeal to a district court of the desired future
3 conditions adopted for a groundwater management area.

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

5 SECTION 1. Sections 36.108(1) and (n), Water Code, are
6 amended to read as follows:

7 (1) A person with a legally defined interest in the
8 groundwater in the groundwater management area, a district in or
9 adjacent to the groundwater management area, or a regional water
10 planning group for a region in the groundwater management area may
11 file a petition in district court [~~with the development board~~]
12 appealing the [~~approval of the~~] desired future conditions of the
13 groundwater resources established and adopted under this section.

14 Costs for the appeal shall be set by the court hearing the appeal.

15 An appeal under this subsection is by trial de novo. A party to the
16 appeal may, on filing the requisite fee, demand a jury trial on any
17 issue of fact. [~~The petition must provide evidence that the~~
18 ~~districts did not establish a reasonable desired future condition~~
19 ~~of the groundwater resources in the groundwater management area.~~]

20 (n) If required by the court's order under Subsection (1) to
21 revise the desired future conditions, the [~~The~~] districts shall
22 meet to propose [~~prepare a~~] revised desired future conditions
23 [~~plan~~] in accordance with that order [~~development board~~
24 ~~recommendations~~] and hold, after notice, at least one public

1 hearing on the proposed revision at a central location in the
2 groundwater management area. After consideration of all public
3 [~~and development board~~] comments, the districts shall adopt revised
4 desired future [~~revise the~~] conditions and shall submit the revised
5 conditions to the Texas Water Development Board [~~development board~~
6 ~~for review~~].

7 SECTION 2. Sections 36.108(a) and (m), Water Code, are
8 repealed.

9 SECTION 3. Section 36.108(1), Water Code, as amended by
10 this Act, applies only to a petition filed in district court on or
11 after the effective date of this Act to appeal the desired future
12 conditions adopted for a groundwater management area. A petition
13 filed under Section 36.108(1), Water Code, before the effective
14 date of this Act and pending with the Texas Water Development Board
15 appealing the desired future conditions adopted for a groundwater
16 management area is subject to the law in effect on the date the
17 petition is filed, and that law is continued in effect for that
18 purpose.

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