

By: Seliger

S.B. No. 755

A BILL TO BE ENTITLED

AN ACT

relating to a priority groundwater management area designation for a water district.

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

SECTION 1. Chapter 35, Water Code, is amended by adding Section 35.0135 to read as follows:

Sec. 35.0135. REMOVAL OR AMENDMENT OF PRIORITY GROUNDWATER MANAGEMENT AREA DESIGNATION; RULES. (a) This section applies to a district:

(1) to which a priority groundwater management area has been added; or

(2) created by the commission to encompass a priority groundwater management area.

(b) A district may request the executive director to determine whether a priority groundwater management area designation should be removed or amended. The request must be signed and dated by both the district and the commissioners court in each county in which a portion of the priority groundwater management area exists.

(c) In making the determination, the executive director shall consider:

(1) whether the district has adopted a management plan that has been approved under Section 36.1072;

(2) whether the district has adopted rules to

1 implement the management plan;

2 (3) whether the commissioners court in each county in
3 which a portion of the priority groundwater management area exists:

4 (A) has not adopted water availability
5 requirements under Section 35.019; or

6 (B) agrees to an amendment or removal of the
7 area; and

8 (4) any other criteria established in rules adopted
9 under this section.

10 (d) Not later than the 180th day after the date the
11 executive director receives a request under this section, the
12 executive director shall either petition the commission to remove
13 or amend the priority groundwater management area designation or
14 notify the district that the executive director will not petition
15 the commission.

16 (e) On receipt of a petition under this section, the
17 commission may remove or amend a priority groundwater management
18 area designation.

19 (f) The executive director shall notify the district and
20 each commissioners court that signed the request informing them
21 when a petition was sent under Subsection (d). Within a reasonable
22 time, the commission shall notify the district and each
23 commissioners court of the commission decision.

24 (g) The commission shall adopt rules to implement this
25 section.

26 SECTION 2. This Act takes effect September 1, 2011.