

By: Harris

H.B. No. 2123

Substitute the following for H.B. No. 2123:

By: Price

C.S.H.B. No. 2123

A BILL TO BE ENTITLED

AN ACT

relating to authorizing petitions to change certain rules adopted  
by groundwater conservation districts.

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

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended  
by adding Section 36.1025 to read as follows:

Sec. 36.1025. PETITION TO CHANGE RULES. (a) A person with  
groundwater ownership and rights may petition the district where  
the property that gives rise to the ownership and rights is located  
to adopt a rule or modify a rule adopted under this chapter.

(b) A petition submitted under this section must include:

(1) an explanation of why the adoption or modification  
of the rule requested is necessary to be consistent with:

(A) ownership and rights recognized under  
Section 36.002; or

(B) conservation or beneficial use of the  
groundwater resources located in the district, in regard to either:

(i) the entire district; or

(ii) an aquifer, subdivision of an aquifer,  
or geologic strata located in the district; and

(2) proof that the petitioner has complied with the  
notice requirements described by Subsection (c).

(c) A petitioner under this section must provide written  
notice of the petition to each person with groundwater ownership

1 and rights in the geographic area that would be affected by the  
2 adoption or modification of the rule described in the petition.

3 (d) The district may consider the petition at a public  
4 hearing or a regularly scheduled board meeting. The district must  
5 grant or deny the petition not later than the 90th day after the  
6 date the district received the petition.

7 (e) After a public hearing or at a board meeting held under  
8 Subsection (d), the district shall grant or deny the petition and  
9 may grant or deny the petition wholly or partly. The district shall  
10 provide an explanation for the action the district takes on the  
11 petition, including a determination about the consistency of the  
12 action with the concerns raised by the petitioner's explanation  
13 required by Subsection (b)(1).

14 (f) As soon as practicable after a petition or a portion of a  
15 petition is granted, the district shall engage in rulemaking  
16 consistent with the granted petition or the granted portion of the  
17 petition.

18 SECTION 2. This Act takes effect September 1, 2019.