

By: Harris

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 shall hold a hearing on a petition
4 submitted under this section in the same manner as a rulemaking
5 hearing described by Section 36.101.

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

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

17 (g) A decision on a petition under Subsection (e) is final
18 and appealable under Section 36.251.

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