

- SUBJECT:** Revising composition of groundwater conservations districts
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 8 ayes — Ritter, T. King, Beck, Creighton, Larson, Lucio, D. Miller, Price
0 nays
3 absent — Hopson, Keffer, Martinez Fischer
- WITNESSES:** For — Gregory Ellis; (*Registered, but did not testify:* Harvey Everheart, Mesa Underground Water Conservation District)

Against — Michael Maurer, Sr.

On — (*Registered, but did not testify:* Cary Betz, Kelly Mills, Texas Commission on Environmental Quality; Robert Mace, Texas Water Development Board)
- BACKGROUND:** To enable effective management of the state’s groundwater resources in areas where critical groundwater problems exist or may exist in the future, the Legislature has authorized the Texas Commission on Environmental Quality (TCEQ), the Texas Water Development Board (TWDB), and the Texas Parks and Wildlife Department (TPWD) to study, identify and delineate priority groundwater management areas and initiate the creation of groundwater conservation districts within those areas, if necessary. Critical groundwater problems are defined as shortages of surface water or groundwater, land subsidence resulting from withdrawal of groundwater, or contamination of groundwater.

Water Code, ch. 35, sets forth the process by which TCEQ recommends creation of new groundwater conservation districts or addition of land to an existing district, pursuant to the priority groundwater management area process.
- DIGEST:** Under HB 2113, a groundwater conservation district would have to be composed of territory in two or more contiguous counties, unless TCEQ determined that a district composed of territory in noncontiguous counties

would result in more effective or efficient groundwater management than other options available. This requirement would apply only to a district created on or after the effective date of the bill.

Single county district creation under the priority groundwater management area process. A groundwater conservation district could be composed of territory that existed in a single county only if:

- the territory in the county was the only area in the designated priority groundwater management area that was not in a district; or
- there were other areas in the designated priority groundwater management area, but the other areas were not contiguous to the territory and the TCEQ determined that creating a single district composed of two or more of the noncontiguous areas, including the territory, would result in less effective or less efficient management of groundwater resources than creating a district composed of the territory in the single county.

Prohibition of creation of a single county district under the TCEQ petition process. A district could include all or part of two or more counties, rather than one or more counties as under current law, and could include one or more municipalities, districts, or other political subdivisions.

A district would have to be composed of territory in two or more contiguous counties, unless TCEQ determined that a district composed of territory in noncontiguous counties would result in more effective or efficient groundwater management than other options available.

The bill would remove the requirement that a district not include territory located in more than one county except on a majority vote of the voters residing within the territory in each county sought to be included in the district at an election called for that purpose.

District creation over adjacent priority groundwater management areas. TCEQ could consider territory in two separately designated priority groundwater management areas to be in the same designated priority groundwater management area if:

- they shared a common boundary and at least one common aquifer; and

- TCEQ determined that a district composed of territory in the two areas would result in more effective or efficient groundwater management than other options available.

Effective date. The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

SUPPORTERS
SAY:

HB 2113 would revise the process set forth in the Water Code by which TCEQ recommends creation of a new groundwater conservation district or an addition of land to an existing groundwater conservation district pursuant to the priority groundwater management area process.

HB 2113 would allow the creation of a district over overlapping aquifers. The bill would limit TCEQ's authority to create small, single county districts in favor of larger districts that would follow aquifer boundaries. The bill also would allow TCEQ to create a single district over noncontiguous areas of a priority groundwater management area.

The bill would not dilute public input. As in the current statute, a groundwater conservation district still would have to receive voter approval to expand the size of the district beyond its originally created lines.

HB 2113 would specify that a district be created with two or more counties rather than just one. The larger area would enable more thorough protection of the area's water resources since aquifers do not re-charge on specific political lines, but on a geographic scale.

OPPONENTS
SAY:

HB 2113 would eliminate the requirement that each political subdivision vote to be included in a groundwater conservation district. This could allow the more populous parts of the district to overwhelm the voters in the less populous parts of the district and could dilute public input.

NOTES:

The companion bill, SB 750 by Seliger, was referred to the Senate Natural Resources Committee on February 23.