

BILL ANALYSIS

C.S.H.B. 721
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that Texas has fallen far behind other states in developing aquifer storage and recovery projects. There have been calls to increase the availability of information about these projects to enable the state to take advantage of the associated benefits, such as improvements in water quality and supply and benefits related to flood mitigation and subsidence. C.S.H.B. 721 seeks to address this issue by providing for a survey of the suitability of the state's major and minor aquifers for use in aquifer storage and recovery projects or aquifer recharge projects.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 721 amends the Water Code to revise the requirement that the Texas Water Development Board (TWDB) make studies, investigations, and surveys of the aquifers in Texas by removing the specification that the TWDB make the studies, investigations, and surveys as the TWDB considers necessary and by changing the purpose for the studies, investigations, and surveys from determining the occurrence, quantity, quality, and availability of aquifers in which water may be stored and subsequently retrieved for beneficial use to determining the occurrence, quantity, quality, and availability of aquifers in which aquifer storage and recovery projects or aquifer recharge projects are feasible. The bill removes a provision that specifies the order of priority in which the TWDB is required to undertake the studies, investigations, and surveys.

C.S.H.B. 721 requires the TWDB, working with appropriate interested persons, including river authorities and major water providers and water utilities, regional water planning groups, groundwater conservation districts, and potential public sponsors of aquifer storage and recovery projects or aquifer recharge projects, to conduct studies of aquifer storage and recovery projects and aquifer recharge projects identified in the state water plan or by interested persons and to report the results of each such study to regional water planning groups and interested persons.

C.S.H.B. 721 requires the TWDB to conduct a statewide survey to identify the relative suitability of various major and minor aquifers for use in aquifer storage and recovery projects or aquifer recharge projects based on consideration of the following factors:

- hydrogeological characteristics, with certain focuses;

- the frequency, volume, and distance from excess water available for potential storage; and
- the current and future water supply needs identified in the state water plan.

The bill requires the TWDB to prepare a report that includes an overview of the survey and, not later than December 15, 2020, to submit the report to the governor, lieutenant governor, and speaker of the house of representatives. These provisions relating to the survey and report expire January 1, 2021.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 721 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the bill's scope to include the study of and survey for aquifer recharge projects. The substitute includes provisions providing for applicable definitions of "aquifer recharge project" and "aquifer storage and recovery project."

The substitute includes a revision of the requirement that the TWDB make certain studies, investigations, and surveys of the aquifers in Texas.

The substitute revises the entities with whom the TWDB is required to work for the conduct of applicable studies by including groundwater conservation districts and by specifying that the potential sponsors of applicable projects are potential public sponsors.

The substitute includes infiltration characteristics as a hydrogeological characteristic focus for purposes of the TWDB's statewide survey for the identification of the relative suitability of various major and minor aquifers for certain uses.