

BILL ANALYSIS

Senate Research Center

S.B. 2296
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Natural Resources
4/7/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 36.1072(e), Water Code, requires that all groundwater conservation districts (GCDs) review and adopt their management plans once every five years. This requirement, first established in S.B. 1 in 1997, mandated that the first management plans for existing GCDs be submitted to the executive administrator of the Texas Water Development Board (executive administrator) on August 31, 1998. GCDs may amend and readopt their management plans more frequently if necessary. Section 36.1071(a)(8), Water Code, was added by the passage of H.B. 1763 in 2005. This new provision requires that the GCD management plans address in a quantitative manner the desired future conditions for the applicable aquifers. This requirement means that since September 1, 2005, the effective date of H.B. 1763, in order for a GCD to meet statutory requirements to receive executive administrator approval, the management plan must include the GCD desired future condition (DFC) (decided by the GCDs in the groundwater management area) and managed available groundwater amount (provided by the executive administrator).

As a result, several GCDs have been required to adopt management plans since September 1, 2005, prior to the establishment of the DFCs. Furthermore, there will be approximately 30 additional management plans due to the executive administrator for review and approval during the DFC adoption process and calculation of managed available groundwater. The result of this process is that the management plan will be outdated immediately upon selection of DFC and receipt of managed available groundwater amount, and thus an inefficient and wasteful use of limited GCD resources. Allowing a delay in the preparation of the management plan would avoid the expense and potentially wasted efforts that are occurring under current statute. This bill may also enable the Texas Water Development Board, during this transitional period, to refocus its limited resources to the DFC and managed available groundwater calculation process, rather than to the management plan review process for better use of limited resources.

As proposed, S.B. 2296 authorizes a GCD to delay the preparation of the required management plan until up to one year after the DFC has been established and the managed available groundwater amount has been provided to the GCD by the executive administrator.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.1072, Water Code, as follows:

Section 36.1072. (e-1) Authorizes a groundwater conservation district (GCD) in its sole discretion to submit a new or re-adopted plan no later than one year after the date the GCD receives a managed available groundwater [text missing] from the executive administrator of the Texas Water Development Board (executive administrator) in lieu of the applicable deadlines set forth under Subsections (a) or (e), if a GCD's plan is required to be submitted under Subsection (a) or reviewed and readopted under Subsection (e) prior to a date that is one year after the date the GCD receives a managed available groundwater amount under Section 36.108(o) from the executive administrator. Authorizes the executive administrator to grant extensions for submission of the plan, as

appropriate, depending on the timing of the executive administrator's issuance of the managed available groundwater amount to the GCD.

SECTION 2. Provides that Section 36.1072(e-1), Water Code, as added by this Act, expires September 1, 1013 [*sic*].

SECTION 3. Effective date: upon passage or September 1, 2009.