

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2296
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Natural Resources
4/16/2009
Committee Report (Substituted)

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 The result of this process is that the management plan will be outdated immediately upon selection of DFC and receipt of managed available groundwater amount, and thus an inefficient and wasteful use of limited GCD resources.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.

C.S.S.B. 2296 amends current law relating to the submission of groundwater management plans to the executive administrator of the Texas Water Development Board.

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, by amending Subsections (a) and (e) and adding Subsection (e-1), as follows:

(a) Creates an exception under Subsection (e-1).

(e) Creates an exception under Subsection (e-1).

(e-1) Requires a groundwater conservation district (GCD), if the GCD is required to submit a management plan under Subsection (a) (relating to the submission of a management plan) or a readopted management plan under Subsection (e) (relating to the approval of a readopted plan) on a date that is before December 31, 2009, and before the first anniversary of the date the executive administrator of the Texas Water Development Board (executive administrator) provides to the GCD under Section 36.108(o) (relating to

the requirement for the executive administrator to provide certain GCDs with certain information) the amount of managed available groundwater, to submit to the executive administrator the plan or the readopted plan not later than the first anniversary of the date the executive administrator provides the amount of managed available groundwater. Prohibits a GCD to which this subsection applies from adopting new rules or amending the GCD's rules before the GCD submits to the executive administrator the management plan or readopted plan as provided by this subsection. Provides that this subsection expires September 1, 2013.

SECTION 2. Makes application of this Act prospective.

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