BILL ANALYSIS

Senate Research Center
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S.B. 1282
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 660, 82nd Legislature, Regular Session, 2011, made significant changes to the process by which groundwater conservation districts (GCDs) in groundwater management areas (GMAs) adopt desired future conditions (DFCs) for relevant aquifers.

A few examples of new requirements that GMAs must follow when adopting DFCs include the consideration of the total estimated recoverable storage; environmental impacts; impacts on subsidence; socioeconomic impacts reasonably expected to occur; and the impact on the interests and rights in private property, including ownership and the rights of landowners and their lessees and assigns in groundwater. All GCDs within a GMA must work together to establish an approach to evaluating and developing DFCs that incorporate the new requirements.

The Texas Water Development Board (TWDB) adopted regulations in December 2012 that incorporated changes made by S.B. 660. The recently adopted TWDB regulations require GMAs to consider groundwater availability models and propose the next round of DFCs no later than five years from the date the DFCs were last adopted. TWDB's new regulatory timeframe for DFC adoption puts GMAs under strict time constraints to adopt DFCs as most have just begun the process.

Furthermore, budget cuts enacted by the legislature to the TWDB groundwater availability modeling program in 2011, resulted in a significant reduction in the level of technical support that the agency will be able to provide to the GMAs during the current round of DFC evaluations and adoption. As such, all GMAs must now develop alternative approaches to the evaluation of DFCs under consideration.

The State of Texas has nine major aquifers and 21 minor aquifers for which DFCs must be developed. Of those, groundwater availability models for 14 major and minor aquifers are currently either being developed or undergoing major updates. For the majority of these groundwater availability modeling efforts, results will not be available to the GMAs for evaluating various DFCs until early in 2015.

Most GMAs are facing DFC submittal deadlines during 2015. Due to the additional complexity of the joint planning process required of GCDs in GMAs, the reduction of state resources to provide technical assistance, and significant ongoing effort to develop/update groundwater availability models for 14 major and minor aquifers, the need for an across-the-state extension to the deadlines for adopting DFCs to September 1, 2016, is clearly warranted in order for the GMAs to have the best possible science to utilize during the adoption of DFCs.

As proposed, S.B. 1282 amends current law relating to deadlines for proposals for adoption by certain districts or authorities of desired future conditions of relevant aquifers.

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 36.108, Water Code, by adding Subsection (d-5), as follows:

> (d-5) Provides that, notwithstanding Subsection (d) and regardless of the date on which a proposal may have been voted on before September 1, 2013, a proposal for the adoption of desired future conditions for the relevant aquifers within a management area is not required before September 1, 2016. Provides that this subsection does not prevent any district or authorities created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that has the authority to regulate the spacing of water wells, the production from water wells, or both, in a management area from voting on a proposal for the adoption of desired future conditions for the relevant aquifers within their management area before September 1, 2016. Provides that this subsection expires January 1, 2018.

SECTION 2. Effective date: September 1, 2013.