

BILL ANALYSIS

Senate Research Center
81R24538 SGA-D

C.S.S.B. 2006
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Natural Resources
4/21/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1, passed by the 75th Legislature, Regular Session, 1997, established a regional and state water planning process in addition to establishing that groundwater districts are the state's preferred method of groundwater management through rules developed, adopted, and promulgated by a district in accordance with Chapter 36 (Groundwater Conservation Districts), Water Code. These regional and state water plans map out how to conserve water supplies, meet future water supply needs, and how to respond to future droughts in the planning areas. H.B. 1763, passed by the 79th Legislature, Regular Session, 2005, changed how the amount of groundwater available for use is determined in Texas.

Districts are now required to work together in each groundwater management area to develop desired future conditions for their groundwater resources. The districts then deliver these desired future conditions to the Texas Water Development Board (TWDB), which in turn provides estimates of managed available groundwater to the districts for inclusion in their groundwater management plans and to the regional water planning groups for inclusion in their regional water plans.

Current statutes do not allow a groundwater district, when permitting, to consider in-district needs that are part of the regional and state water plans, which reflect needs and specific strategies to meet future near-term needs (less than 30 years) as well as options to meet long-term future needs (30-50 years). Local districts should be able to consider these needs during the permitting process.

C.S.S.B. 2006 amends current law relating to the matters to be taken into consideration by a groundwater conservation district in determining whether to grant or deny a permit or permit amendment.

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 36.113, Water Code, by amending Subsection (d) and adding Subsection (j), as follows:

(d) Requires the groundwater conservation district (district), before granting or denying a permit or permit amendment, to consider certain factors, including whether the proposed use of water is a beneficial use, rather than is dedicated to any beneficial use; and whether the proposed use of water is consistent with the district's approved water management plan, rather than certified water management plan.

(j) Authorizes a district operating under an adopted limit on available or managed available groundwater, in issuing a permit or permit amendment, to consider whether the water supply needs as determined in the most recent regional water plan can be met.

SECTION 2. Makes application of this Act prospective.

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