

1-1 By: Ogden S.B. No. 1238
1-2 (In the Senate - Filed March 2, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 March 31, 2009, reported favorably by the following vote: Yeas 10,
1-5 Nays 1; March 31, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a study regarding the Carrizo-Wilcox aquifer.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. DEFINITION. In this Act, "commission" means the
1-11 Texas Commission on Environmental Quality.

1-12 SECTION 2. STUDY. (a) The commission shall conduct a
1-13 study regarding the impact on the entire Carrizo-Wilcox aquifer of
1-14 rules and plans adopted by groundwater conservation districts in
1-15 whose boundaries the aquifer is located and of determinations made
1-16 by groundwater conservation districts in connection with the joint
1-17 planning process relating to groundwater management areas in whose
1-18 boundaries the aquifer is located. In conducting the study, the
1-19 commission shall examine:

1-20 (1) whether the rules and plans adopted by each
1-21 groundwater conservation district:

1-22 (A) are based on sound scientific principles;

1-23 (B) adequately conserve and protect the aquifer
1-24 and ensure the achievement of the applicable desired future
1-25 condition for each part of the district; and

1-26 (C) are likely to affect other groundwater
1-27 conservation districts or groundwater management areas;

1-28 (2) whether each district is enforcing substantial
1-29 compliance with its rules;

1-30 (3) whether the desired future conditions established
1-31 under Section 36.108, Water Code, in each groundwater management
1-32 area are reasonable and based on sound scientific principles, and
1-33 whether the rules adopted by each district are designed to achieve
1-34 the applicable desired future condition;

1-35 (4) other long-term impacts of the applicable rules
1-36 and plans on the aquifer, taking into consideration:

1-37 (A) projected population and agricultural,
1-38 municipal, and industrial demands for water from the aquifer;

1-39 (B) the effect of the demands described by
1-40 Paragraph (A) of this subdivision on the viability of the aquifer;

1-41 (C) the social and economic consequences of any
1-42 probable long-term impact on the aquifer; and

1-43 (D) other appropriate factors as determined by
1-44 commission rule; and

1-45 (5) whether the presence of contaminants in the
1-46 recharge area of the aquifer and the potential pollution of the
1-47 aquifer are issues that should be addressed and, if so, by whom.

1-48 (b) The Texas Water Development Board and the Bureau of
1-49 Economic Geology of The University of Texas at Austin shall assist
1-50 the commission in conducting the study under this section.

1-51 (c) The commission may contract with any appropriate person
1-52 to assist the commission in conducting the study under this
1-53 section.

1-54 SECTION 3. REPORT. Not later than December 31, 2012, the
1-55 commission shall report the results of the study conducted under
1-56 this Act to the governor, the lieutenant governor, the speaker of
1-57 the house of representatives, and the standing committees in the
1-58 senate and the house of representatives that have primary
1-59 jurisdiction over natural resources. The report may include the
1-60 commission's recommendations for legislation to address any areas
1-61 of concern.

1-62 SECTION 4. EXPIRATION. This Act expires August 31, 2013.

1-63 SECTION 5. EFFECTIVE DATE. This Act takes effect
1-64 immediately if it receives a vote of two-thirds of all the members

2-1 elected to each house, as provided by Section 39, Article III, Texas
2-2 Constitution. If this Act does not receive the vote necessary for
2-3 immediate effect, this Act takes effect September 1, 2009.

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