

By: Seliger

S.B. No. 2119

A BILL TO BE ENTITLED

AN ACT

relating to desired future condition requirements for certain groundwater conservation districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 36.108(d), Water Code, is amended to read as follows:

(d) Not later than September 1, 2010, and every five years thereafter, the districts shall consider groundwater availability models and other data or information for the management area and shall establish desired future conditions for the relevant aquifers within the management area. In establishing the desired future conditions of the aquifers under this section, the districts shall consider uses or conditions of an aquifer within the management area that differ substantially from one geographic area to another. Except as provided by Section 36.1085, the ~~The~~ districts may establish different desired future conditions for:

(1) each aquifer, subdivision of an aquifer, or geologic strata located in whole or in part within the boundaries of the management area; or

(2) each geographic area overlying an aquifer in whole or in part or subdivision of an aquifer within the boundaries of the management area.

SECTION 2. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1085 to read as follows:

1       Sec. 36.1085. DESIRED FUTURE CONDITION REQUIREMENTS FOR  
2 CERTAIN DISTRICTS. (a) This section applies only to a district  
3 that:

4               (1) is subject to Section 36.108; and

5               (2) overlies any part of an aquifer for which the  
6 Internal Revenue Service has allowed cost depletion when a taxpayer  
7 can demonstrate that:

8                       (A) the groundwater is being depleted; and

9                       (B) the rate of recharge is so low that, once  
10 extracted, the groundwater would be lost to the taxpayer and  
11 immediately succeeding generations.

12       (b) A district whose territory includes land in more than  
13 one county:

14               (1) shall ensure that each geographic area in the  
15 district delineated by county lines independently achieves the  
16 desired future condition applicable to that part of the aquifer  
17 under the jurisdiction of the district; and

18               (2) may not achieve or claim compliance with a single  
19 desired future condition for part of an aquifer that applies to  
20 multiple counties or parts of counties in the district by averaging  
21 different desired future conditions across those counties or parts  
22 of counties.

23       (c) A district whose boundaries are coextensive with the  
24 boundaries of a county shall achieve independently of districts in  
25 other counties the desired future condition applicable to that part  
26 of the aquifer under the jurisdiction of the district.

27       (d) If two or more districts in the same county are subject

1 to the same desired future condition, each district shall achieve  
2 independently of the other district in that county the desired  
3 future condition applicable to that part of the aquifer under the  
4 jurisdiction of the district.

5       SECTION 3. Section 36.1085, Water Code, as added by this  
6 Act, applies only to a district subject to a desired future  
7 condition established under Section 36.108, Water Code, as amended  
8 by this Act, on or after the effective date of this Act. A district  
9 subject to a desired future condition established under Section  
10 36.108, Water Code, before the effective date of this Act is  
11 governed by the law in effect on the date the desired future  
12 condition was established, and that law is continued in effect  
13 until the desired future condition is next established under  
14 Section 36.108, Water Code, as amended by this Act.

15       SECTION 4. This Act takes effect September 1, 2009.