

A BILL TO BE ENTITLED

AN ACT

relating to the submission of groundwater management plans to the executive administrator of the Texas Water Development Board.

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

SECTION 1. Section 36.1072, Water Code, is amended by amending Subsections (a) and (e) and adding Subsection (e-1) to read as follows:

(a) Except as provided by Subsection (e-1), a [A] district shall, not later than three years after the creation of the district or, if the district required confirmation, after the election confirming the district's creation, submit the management plan required under Section 36.1071 to the executive administrator for review and approval.

(e) The district may review the plan annually and must review and readopt the plan with or without revisions at least once every five years. Except as provided by Subsection (e-1), the [The] district shall provide the readopted plan to the executive administrator not later than the 60th day after the date on which the plan was readopted. Approval of the preceding management plan remains in effect until:

(1) the district fails to timely readopt a management plan;

(2) the district fails to timely submit the district's readopted management plan to the executive administrator; or

1 (3) the executive administrator determines that the
2 readopted management plan does not meet the requirements for
3 approval, and the district has exhausted all appeals to the Texas
4 Water Development Board or appropriate court.

5 (e-1) If a district is required to submit a management plan
6 under Subsection (a) or a readopted management plan under
7 Subsection (e) prior to a date that is one year after the date the
8 executive administrator provides to the district under Section
9 36.108(o) the amount of managed available groundwater, the district
10 may in its sole discretion submit to the executive administrator a
11 new or readopted plan not later than the first anniversary of the
12 date the district receives the amount of managed available
13 groundwater from the executive administrator in lieu of the
14 applicable deadlines set forth under Subsection (a) or (e). A
15 district to which this subsection applies may not adopt new or
16 amended rules limiting production of wells or allocating
17 groundwater before the district submits to the executive
18 administrator the management plan or readopted plan as provided by
19 this subsection. This subsection expires September 1, 2013.

20 SECTION 2. Section 36.1072, Water Code, as amended by this
21 Act, applies only to a groundwater management plan that is
22 submitted to the executive administrator of the Texas Water
23 Development Board on or after the effective date of this Act. A
24 groundwater management plan that is submitted to the executive
25 administrator before the effective date of this Act is governed by
26 the law in effect when the management plan was submitted, and the
27 former law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.