

By: Duncan

S.B. No. 2296

Substitute the following for S.B. No. 2296:

By: Lucio III

C.S.S.B. No. 2296

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) on a date that is before the first anniversary of the
8 date the executive administrator provides to the district under
9 Section 36.108(o) an amount of managed available groundwater, the
10 district may adopt and submit to the executive administrator a
11 resolution delaying the due date for a new or readopted plan to a
12 date not later than the first anniversary of the last date the
13 district receives an amount of managed available groundwater from
14 the executive administrator in lieu of the applicable deadline
15 under Subsection (a) or (e). A district that elects to delay
16 submission of a new or readopted plan under this subsection may not
17 adopt a new rule or amend an existing rule limiting production from
18 wells or allocating groundwater until the district submits to the
19 executive administrator the management plan or readopted plan as
20 provided by this subsection. This subsection expires September 1,
21 2013.

22 SECTION 2. Section 36.1072, Water Code, as amended by this
23 Act, applies only to a groundwater management plan that is
24 submitted to the executive administrator of the Texas Water
25 Development Board on or after the effective date of this Act. A
26 groundwater management plan that is submitted to the executive
27 administrator before the effective date of this Act is governed by

1 the law in effect when the management plan was submitted, and the
2 former law is continued in effect for that purpose.

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