

1-1 By: Duncan S.B. No. 2296
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 17, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 17, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2296 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the submission of groundwater management plans to the
1-11 executive administrator of the Texas Water Development Board.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 36.1072, Water Code, is amended by
1-14 amending Subsections (a) and (e) and adding Subsection (e-1) to
1-15 read as follows:

1-16 (a) Except as provided by Subsection (e-1), a [A] district
1-17 shall, not later than three years after the creation of the district
1-18 or, if the district required confirmation, after the election
1-19 confirming the district's creation, submit the management plan
1-20 required under Section 36.1071 to the executive administrator for
1-21 review and approval.

1-22 (e) The district may review the plan annually and must
1-23 review and readopt the plan with or without revisions at least once
1-24 every five years. Except as provided by Subsection (e-1),
1-25 the [The] district shall provide the readopted plan to the
1-26 executive administrator not later than the 60th day after the date
1-27 on which the plan was readopted. Approval of the preceding
1-28 management plan remains in effect until:

1-29 (1) the district fails to timely readopt a management
1-30 plan;

1-31 (2) the district fails to timely submit the district's
1-32 readopted management plan to the executive administrator; or

1-33 (3) the executive administrator determines that the
1-34 readopted management plan does not meet the requirements for
1-35 approval, and the district has exhausted all appeals to the Texas
1-36 Water Development Board or appropriate court.

1-37 (e-1) If a district is required to submit a management plan
1-38 under Subsection (a) or a readopted management plan under
1-39 Subsection (e) prior to a date that is one year after the date the
1-40 executive administrator provides to the district under Section
1-41 36.108(o) the amount of managed available groundwater, the district
1-42 may in its sole discretion submit to the executive administrator a
1-43 new or readopted plan not later than the first anniversary of the
1-44 date the district receives the amount of managed available
1-45 groundwater from the executive administrator in lieu of the
1-46 applicable deadlines set forth under Subsection (a) or (e). A
1-47 district to which this subsection applies may not adopt new or
1-48 amended rules limiting production of wells or allocating
1-49 groundwater before the district submits to the executive
1-50 administrator the management plan or readopted plan as provided by
1-51 this subsection. This subsection expires September 1, 2013.

1-52 SECTION 2. Section 36.1072, Water Code, as amended by this
1-53 Act, applies only to a groundwater management plan that is
1-54 submitted to the executive administrator of the Texas Water
1-55 Development Board on or after the effective date of this Act. A
1-56 groundwater management plan that is submitted to the executive
1-57 administrator before the effective date of this Act is governed by
1-58 the law in effect when the management plan was submitted, and the
1-59 former law is continued in effect for that purpose.

1-60 SECTION 3. This Act takes effect immediately if it receives
1-61 a vote of two-thirds of all the members elected to each house, as
1-62 provided by Section 39, Article III, Texas Constitution. If this
1-63 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2009.

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