

BILL ANALYSIS

C.S.H.B. 1482
By: Beck
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a groundwater conservation district is required to adopt a management plan to guide the district in rule adoption and permit issuance. Statutory provisions governing such a management plan have been amended several times over the last few sessions, but not all the amendments used consistent terminology. Inconsistent references could lead to confusion and potential litigation over whether the legislature intended to require more than one management plan.

C.S.H.B. 1482 seeks to address this issue by amending current law relating to groundwater conservation district management plans to make plan references consistent.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Sections 36.1071 (a) and (b), Water Code, as follows:

Sec. 36.1071 (a) Makes nonsubstantive changes. Strikes “comprehensive.” Strikes “that” and replaces it with “which.”

(b) Makes nonsubstantive changes. Strikes “A district” and replaces it with “The.” Strikes “a district management” and replaces it with “the.” Strikes “by the district.”

SECTION 2. Amends Sections 36.1072 by adding Subsection (a-1) and amending Subsections (a), (b), (c), (d), (f), and (g), Water Code, as follows:

Sec. 36.1071 (a) Adds a definition of “development board.”

(a-1) Creates this subsection from existing language. Specifies that a district requiring confirmation, not later than three years after the election confirming the district’s creation, must submit the management plan required under Section 36.1071 to the executive administrator for review and approval.

(b) Makes nonsubstantive changes. Specifies a “district’s” management plan adopted under Section 36.1071. Strikes “a management” and replaces it with “the district’s.”

(c) Makes nonsubstantive changes. Specifies a “district’s” management plan. Strikes “groundwater conservation district.”

(d) Makes nonsubstantive changes. Strikes “Texas Water Development Board” and replaces it with “development board.”

(f) Makes nonsubstantive changes. Specifies the “district’s” management plan. Strikes “Texas Water Development Board” and replaces it with “development board.” Strikes “later” and replaces it with “latest.”

(g) Makes nonsubstantive changes. Strikes a provision defining “development board.” Strikes “groundwater conservation district.” Specifies “management” plan.

SECTION 3. Amends Sections 36.108 (b) and (c), Water Code, as follows:

Sec. 36.108 (b) Strikes “prepare a comprehensive management plan as required by Section 36.1071 covering that district’s respective territory. On completion and approval of the plan as required by Section 36.1072, each district shall,” and uses existing language to state instead that if two or more districts are located within the same boundaries of the same management area, each district shall forward a copy of that district’s new or revised management plan to the other districts in the management area.

(c) Makes nonsubstantive changes. Specifies each “district’s” management plan

SECTION 4. Amends Section 36.113 (d), Water Code, by striking “certified water” and replacing it with “approved.” Makes nonsubstantive changes.

SECTION 5. Amends Section 36.116 (b), Water Code, by striking “comprehensive.” Makes nonsubstantive changes.

SECTION 6. Amends Section 36.122 (f), Water Code, by striking “certified” and replacing it with “approved.” Makes nonsubstantive changes.

SECTION 7. Amends Section 36.207, Water Code, by striking “certified water” and replacing it with “approved.” Makes nonsubstantive changes.

SECTION 8. Amends Section 36.301, Water Code, by striking “board” and replacing it with “district;” striking “certification” and replacing it with “approval;” and adding a “,” within the text. Makes nonsubstantive changes.

SECTION 9. Amends Section 36.3011, Water Code, by specifying “management” plan. Makes nonsubstantive changes.

SECTION 10. provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1482 omits a provision included in the original establishing that approval of a preceding management plan remains in effect until the executive administrator approves the readopted management plan or until the date on which any dispute relating to the executive administrator's disapproval of a management plan or a conflict between an approved management plan and the state water plan is resolved. Omits a provision included in the original requiring the executive administrator to report a district's failure to timely submit a readopted management plan to the commission. Omits a provision included in the original removing a provision establishing that approval of a preceding management plan remains in effect until the district fails to timely readopt a management plan, the district fails to timely submit the district's

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