

BILL ANALYSIS

S.B. 727
By: Seliger
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

This bill provides uniformity to the references of a groundwater conservation district's management plan. Over the years, in different parts of the Water Code, different terminology was used to describe this plan. For example, Section 36.1071(a), Water Code, calls it "a comprehensive management plan" and in Section 36.1071(b), Water Code, it is referred to as "a district management plan." This bill is a true clean-up and changes all references to "management plan."

S.B. 727 amends current law relating to groundwater conservation district management plans.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

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:

- (a) Requires the groundwater conservation district (district), following notice and hearing, to develop, in coordination with surface water management entities on a regional basis, a management plan, rather than a comprehensive management plan, that addresses certain management goals. Makes a nonsubstantive change.
- (b) Requires the management plan, rather than a district management plan, or any amendments to the plan, to be developed using the district's best available data and forwarded to the regional water planning group for use in their planning process. Makes conforming and nonsubstantive changes.

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

- (a) Defines "development board" in this section.
- (a-1) Creates this subsection from existing text. Requires a district, not later than three years after the creation of the district or, if the district required confirmation, not later than three years after the election confirming the district's creation, to submit the management plan required under Section 36.1071 to the executive administrator of the Texas Water Development Board (TWDB) for review and approval.
- (b) Makes conforming changes.
- (c) Makes conforming changes.

- (d) Makes a conforming change.
- (f) Prohibits TNRCC from taking enforcement action against a district under Subchapter I (Performance Review and Dissolution) until the latest of the expiration of the 180-day period, the date TWDB has taken final action withholding approval of a revised management plan, the date the mediation is completed, or the date a final judgment upholding TWDB's decision is entered by a district court. Makes conforming changes.
- (g) Deletes existing text defining "development board" in this subsection. Makes conforming and nonsubstantive changes.

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

- (b) Deletes existing text that requires each district to prepare a comprehensive management plan as required by Section 36.1071 (Management Plan) covering that district's respective territory if two or more districts are located within the boundaries of the same management area. Deletes existing text relating to completion and approval of a plan as required by Section 36.1072. Makes a conforming change.
- (c) Makes a conforming change.

SECTION 4. Amends Section 36.113 (d), Water Code, to require a district, before granting or denying a permit or permit amendment, to make certain considerations, including whether the proposed water use is consistent with the district's approved management plan, rather than certified water management plan.

SECTION 5. Amends Section 36.116 (b), Water Code, to make a conforming change.

SECTION 6. Amends Section 36.122 (f), Water Code, to make a conforming change.

SECTION 7. Amends Section 36.207, Water Code, to make a conforming change.

SECTION 8. Amends Section 36.301, Water Code, to make conforming changes.

SECTION 9. Amends Section 36.3011, Water Code, to make a conforming change.

SECTION 10. Provides for 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.