

AN ACT

relating to the duty of the Texas Water Development Board to conduct studies of and prepare and submit reports on aquifer storage and recovery and aquifer recharge projects.

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

SECTION 1. Section 11.155, Water Code, is amended to read as follows:

Sec. 11.155. AQUIFER STORAGE AND RECOVERY AND AQUIFER RECHARGE REPORTS. (a) In this section:

(1) "Aquifer recharge project" means a project involving the intentional recharge of an aquifer by means of an injection well authorized under Chapter 27 or other means of infiltration, including actions designed to:

(A) reduce declines in the water level of the aquifer;

(B) supplement the quantity of groundwater available;

(C) improve water quality in an aquifer;

(D) improve spring flows and other interactions between groundwater and surface water; or

(E) mitigate subsidence.

(2) "Aquifer storage and recovery project" has the meaning assigned by Section 27.151.

(b) The board shall make studies, investigations, and

1 surveys of the aquifers in the state [~~as it considers necessary~~] to  
2 determine the occurrence, quantity, quality, and availability of  
3 aquifers in which aquifer storage and recovery projects or aquifer  
4 recharge projects are feasible [~~water may be stored and~~  
5 ~~subsequently retrieved for beneficial use~~].

6 (c) The board, working with appropriate interested persons,  
7 including river authorities and major water providers and water  
8 utilities, regional water planning groups, groundwater  
9 conservation districts, and potential public sponsors of aquifer  
10 storage and recovery projects or aquifer recharge projects, shall:

11 (1) conduct studies of aquifer storage and recovery  
12 projects and aquifer recharge projects identified in the state  
13 water plan or by interested persons; and

14 (2) report the results of each study conducted under  
15 Subdivision (1) to regional water planning groups and interested  
16 persons.

17 (d) This subsection expires January 1, 2021. The board  
18 shall:

19 (1) conduct a statewide survey to identify the  
20 relative suitability of various major and minor aquifers for use in  
21 aquifer storage and recovery projects or aquifer recharge projects  
22 based on consideration of:

23 (A) hydrogeological characteristics, with a  
24 focus on:

25 (i) storage potential;

26 (ii) transmissivity;

27 (iii) infiltration characteristics;

- 1                    (iv) storativity;
- 2                    (v) recoverability; and
- 3                    (vi) water quality;

4                    (B) the frequency, volume, and distance from  
5 excess water available for potential storage; and

6                    (C) the current and future water supply needs  
7 identified in the state water plan;

8                    (2) prepare a report that includes an overview of the  
9 survey conducted under Subdivision (1); and

10                    (3) not later than December 15, 2020, submit the  
11 report described by Subdivision (2) to the governor, lieutenant  
12 governor, and speaker of the house of representatives [~~The board~~  
13 ~~shall undertake the studies, investigations, and surveys in the~~  
14 ~~following order of priority:~~

15                    [~~(1) areas designated by the commission as "priority~~  
16 ~~groundwater management areas" under Section 35.008; and~~

17                    [~~(2) other areas of the state in a priority to be~~  
18 ~~determined by the board's ranking of where the greatest need~~  
19 ~~exists].~~

20                    SECTION 2. The Texas Water Development Board is required to  
21 implement a provision of this Act only if the legislature  
22 appropriates money specifically for that purpose. If the  
23 legislature does not appropriate money specifically for that  
24 purpose, the board may, but is not required to, implement a  
25 provision of this Act using other appropriations available for that  
26 purpose.

27                    SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 721 was passed by the House on April 10, 2019, by the following vote: Yeas 145, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 721 on May 24, 2019, by the following vote: Yeas 141, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 721 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor