

By: Perry

S.B. No. 1010

A BILL TO BE ENTITLED

AN ACT

relating to rules adopted by groundwater conservation districts
overlying a common aquifer.

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

SECTION 1. Section 36.101, Water Code, is amended by adding
Subsections (a-2) and (a-3) to read as follows:

(a-2) Except as provided by this subsection, a district that
overlies a common aquifer and is in a groundwater management area
with one or more districts that regulate levels of groundwater
production similar to the level the district regulates may not make
or enforce a rule under Subsection (a) unless the rule is similar to
a rule made or enforced under Subsection (a) by the other district
or districts that overlie the aquifer and are in the groundwater
management area. The district may make or enforce a rule that is
not similar to a rule made or enforced by the other district or
districts only if the district:

(1) is authorized by other law specifically to make or
enforce the rule; or

(2) provides in the district's management plan
developed under Section 36.1071 an explanation of the district's
reasoning to support its making or enforcing the rule.

(a-3) A new district that overlies a common aquifer and is
in a groundwater management area with one or more districts shall
notify the district or districts of rules made by the new district.

1 Not later than the 60th day after the date the new district makes
2 the rules, each district that overlies the common aquifer and is in
3 a groundwater management area with the new district shall, as
4 necessary to comply with Subsection (a-2), update the district's
5 management plan with an explanation of the district's reasoning to
6 support its enforcement of existing district rules.

7 SECTION 2. Section 36.1071(e), Water Code, is amended to
8 read as follows:

9 (e) In the management plan described under Subsection (a),
10 the district shall:

11 (1) identify the performance standards and management
12 objectives under which the district will operate to achieve the
13 management goals identified under Subsection (a);

14 (2) specify, in as much detail as possible, the
15 actions, procedures, performance, and avoidance that are or may be
16 necessary to effect the plan, including specifications and proposed
17 rules;

18 (3) include estimates of the following:

19 (A) modeled available groundwater in the
20 district based on the desired future condition established under
21 Section 36.108;

22 (B) the amount of groundwater being used within
23 the district on an annual basis;

24 (C) the annual amount of recharge from
25 precipitation, if any, to the groundwater resources within the
26 district;

27 (D) for each aquifer, the annual volume of water

1 that discharges from the aquifer to springs and any surface water
2 bodies, including lakes, streams, and rivers;

3 (E) the annual volume of flow into and out of the
4 district within each aquifer and between aquifers in the district,
5 if a groundwater availability model is available;

6 (F) the projected surface water supply in the
7 district according to the most recently adopted state water plan;
8 and

9 (G) the projected total demand for water in the
10 district according to the most recently adopted state water plan;
11 ~~[and]~~

12 (4) consider the water supply needs and water
13 management strategies included in the adopted state water plan; and

14 (5) if applicable under Section 36.101(a-2), explain
15 the district's reasoning to support its making or enforcing under
16 Section 36.101(a) a rule that is not similar to a rule made or
17 enforced by another district described by Section 36.101(a-2).

18 SECTION 3. A groundwater conservation district described by
19 Section 36.101(a-2), Water Code, as added by this Act, shall
20 evaluate the existing rules of the district for compliance with
21 that section. Not later than December 1, 2019, if an existing rule
22 does not comply with Section 36.101(a-2), Water Code, as added by
23 this Act, and is not otherwise authorized by law, the groundwater
24 conservation district shall update the district's management plan
25 to include an explanation of the district's reasoning to support
26 its enforcing the rule as required by that section.

27 SECTION 4. This Act takes effect September 1, 2019.