

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
Subsection (a-2) to read as follows:

(a-2) Except as provided by this subsection, a district that
overlies a common aquifer 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. 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.

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

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

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

4 (2) specify, in as much detail as possible, the
5 actions, procedures, performance, and avoidance that are or may be
6 necessary to effect the plan, including specifications and proposed
7 rules;

8 (3) include estimates of the following:

9 (A) modeled available groundwater in the
10 district based on the desired future condition established under
11 Section 36.108;

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

14 (C) the annual amount of recharge from
15 precipitation, if any, to the groundwater resources within the
16 district;

17 (D) for each aquifer, the annual volume of water
18 that discharges from the aquifer to springs and any surface water
19 bodies, including lakes, streams, and rivers;

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

23 (F) the projected surface water supply in the
24 district according to the most recently adopted state water plan;
25 and

26 (G) the projected total demand for water in the
27 district according to the most recently adopted state water plan;

1 [~~and~~]

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

4 (5) if applicable under Section 36.101(a-2), explain
5 the district's reasoning to support the district making or
6 enforcing under Section 36.101(a) a rule that is not similar to a
7 rule made or enforced by another district described by Section
8 36.101(a-2).

9 SECTION 3. This Act takes effect September 1, 2019.