

1-1 By: Larson, Guillen (Senate Sponsor - Perry) H.B. No. 721  
 1-2 (In the Senate - Received from the House April 11, 2019;  
 1-3 May 8, 2019, read first time and referred to Committee on Water &  
 1-4 Rural Affairs; May 14, 2019, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-6 May 14, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 721 By: Perry

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the duty of the Texas Water Development Board to conduct  
 1-20 studies of and prepare and submit reports on aquifer storage and  
 1-21 recovery and aquifer recharge projects.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 11.155, Water Code, is amended to read as  
 1-24 follows:

1-25 Sec. 11.155. AQUIFER STORAGE AND RECOVERY AND AQUIFER  
 1-26 RECHARGE REPORTS. (a) In this section:

1-27 (1) "Aquifer recharge project" means a project  
 1-28 involving the intentional recharge of an aquifer by means of an  
 1-29 injection well authorized under Chapter 27 or other means of  
 1-30 infiltration, including actions designed to:

1-31 (A) reduce declines in the water level of the  
 1-32 aquifer;

1-33 (B) supplement the quantity of groundwater  
 1-34 available;

1-35 (C) improve water quality in an aquifer;

1-36 (D) improve spring flows and other interactions  
 1-37 between groundwater and surface water; or

1-38 (E) mitigate subsidence.

1-39 (2) "Aquifer storage and recovery project" has the  
 1-40 meaning assigned by Section 27.151.

1-41 (b) The board shall make studies, investigations, and  
 1-42 surveys of the aquifers in the state [~~as it considers necessary~~] to  
 1-43 determine the occurrence, quantity, quality, and availability of  
 1-44 aquifers in which aquifer storage and recovery projects or aquifer  
 1-45 recharge projects are feasible [~~water may be stored and~~  
 1-46 ~~subsequently retrieved for beneficial use~~].

1-47 (c) The board, working with appropriate interested persons,  
 1-48 including river authorities and major water providers and water  
 1-49 utilities, regional water planning groups, groundwater  
 1-50 conservation districts, and potential public sponsors of aquifer  
 1-51 storage and recovery projects or aquifer recharge projects, shall:

1-52 (1) conduct studies of aquifer storage and recovery  
 1-53 projects and aquifer recharge projects identified in the state  
 1-54 water plan or by interested persons; and

1-55 (2) report the results of each study conducted under  
 1-56 Subdivision (1) to regional water planning groups and interested  
 1-57 persons.

1-58 (d) This subsection expires January 1, 2021. The board  
 1-59 shall:

1-60 (1) conduct a statewide survey to identify the

2-1 relative suitability of various major and minor aquifers for use in  
2-2 aquifer storage and recovery projects or aquifer recharge projects  
2-3 based on consideration of:

2-4 (A) hydrogeological characteristics, with a  
2-5 focus on:

- 2-6 (i) storage potential;
- 2-7 (ii) transmissivity;
- 2-8 (iii) infiltration characteristics;
- 2-9 (iv) storativity;
- 2-10 (v) recoverability; and
- 2-11 (vi) water quality;

2-12 (B) the frequency, volume, and distance from  
2-13 excess water available for potential storage; and

2-14 (C) the current and future water supply needs  
2-15 identified in the state water plan;

2-16 (2) prepare a report that includes an overview of the  
2-17 survey conducted under Subdivision (1); and

2-18 (3) not later than December 15, 2020, submit the  
2-19 report described by Subdivision (2) to the governor, lieutenant  
2-20 governor, and speaker of the house of representatives [~~The board~~  
2-21 ~~shall undertake the studies, investigations, and surveys in the~~  
2-22 ~~following order of priority:~~

2-23 ~~[(1) areas designated by the commission as "priority~~  
2-24 ~~groundwater management areas" under Section 35.008; and~~

2-25 ~~[(2) other areas of the state in a priority to be~~  
2-26 ~~determined by the board's ranking of where the greatest need~~  
2-27 ~~exists].~~

2-28 SECTION 2. The Texas Water Development Board is required to  
2-29 implement a provision of this Act only if the legislature  
2-30 appropriates money specifically for that purpose. If the  
2-31 legislature does not appropriate money specifically for that  
2-32 purpose, the board may, but is not required to, implement a  
2-33 provision of this Act using other appropriations available for that  
2-34 purpose.

2-35 SECTION 3. This Act takes effect immediately if it receives  
2-36 a vote of two-thirds of all the members elected to each house, as  
2-37 provided by Section 39, Article III, Texas Constitution. If this  
2-38 Act does not receive the vote necessary for immediate effect, this  
2-39 Act takes effect September 1, 2019.

2-40 \* \* \* \* \*