

1-1 By: Perry S.B. No. 1010
1-2 (In the Senate - Filed February 22, 2019; March 1, 2019,
1-3 read first time and referred to Committee on Water & Rural Affairs;
1-4 April 1, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 1, 2019,
1-6 sent to printer.)

1-7	COMMITTEE VOTE			
1-8		Yea	Nay	Absent
1-9	Perry	X		PNV
1-10	Creighton	X		
1-11	Alvarado	X		
1-12	Johnson	X		
1-13	Kolkhorst			X
1-14	Rodríguez	X		
1-15	Taylor	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1010 By: Perry

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

1-19 relating to rules adopted by groundwater conservation districts
1-20 overlying a common aquifer.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 36.101, Water Code, is amended by adding
1-23 Subsections (a-2) and (a-3) to read as follows:

1-24 (a-2) Except as provided by this subsection, a district that
1-25 overlies a common aquifer and is in a groundwater management area
1-26 with one or more districts that regulate levels of groundwater
1-27 production similar to the level the district regulates may not make
1-28 or enforce a rule under Subsection (a) unless the rule is similar to
1-29 a rule made or enforced under Subsection (a) by the other district
1-30 or districts that overlie the aquifer and are in the groundwater
1-31 management area. The district may make or enforce a rule that is
1-32 not similar to a rule made or enforced by the other district or
1-33 districts only if the district:

1-34 (1) is authorized by other law specifically to make or
1-35 enforce the rule; or

1-36 (2) provides in the district's management plan
1-37 developed under Section 36.1071 an explanation of the district's
1-38 reasoning to support its making or enforcing the rule.

1-39 (a-3) A new district that overlies a common aquifer and is
1-40 in a groundwater management area with one or more districts shall
1-41 notify the district or districts of rules made by the new district.
1-42 Not later than the 60th day after the date the new district makes
1-43 the rules, each district that overlies the common aquifer and is in
1-44 a groundwater management area with the new district shall, as
1-45 necessary to comply with Subsection (a-2), update the district's
1-46 management plan with an explanation of the district's reasoning to
1-47 support its enforcement of existing district rules.

1-48 SECTION 2. Section 36.1071(e), Water Code, is amended to
1-49 read as follows:

1-50 (e) In the management plan described under Subsection (a),
1-51 the district shall:

1-52 (1) identify the performance standards and management
1-53 objectives under which the district will operate to achieve the
1-54 management goals identified under Subsection (a);

1-55 (2) specify, in as much detail as possible, the
1-56 actions, procedures, performance, and avoidance that are or may be
1-57 necessary to effect the plan, including specifications and proposed
1-58 rules;

1-59 (3) include estimates of the following:

1-60 (A) modeled available groundwater in the

district based on the desired future condition established under Section 36.108;

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

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

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

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

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

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

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

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

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

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

* * * * *