

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1010  
By: Perry  
Water & Rural Affairs  
3/28/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Groundwater conservation districts (GCD) permit wells for production use in the state. The primary responsibilities of a GCD are issuing permits for water wells, developing a management plan based on the water supply, and creating rules to follow the plan. GCDs permit based on their adopted desired future conditions and in accordance with the rulemaking.

Neighboring GCDs that cover a common aquifer may have different rules. This can create confusion with the process for private property owners and permit seekers. There has been stakeholder input to meet the needs of water users while navigating the GCD rulemaking process.

S.B. 1010 requires GCDs to justify dissimilar rules in their management plan if their enabling legislation requires the rules or they can support the reasoning in their management plan. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1010 amends current law relating to rules adopted by groundwater conservation districts overlying a common aquifer.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to certain groundwater conservation districts is modified in SECTION 1 (Section 36.101, Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

(a-2) Prohibits 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, except as provided by this subsection, from making or enforcing a rule under Subsection (a) (relating to authorizing a district to make certain rules) 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. Authorizes the district to 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 (Management Plan) an explanation of the district's reasoning to support its making or enforcing the rule.

(a-3) Requires a new district that overlies a common aquifer and is in a groundwater management area with one or more districts to notify the district or districts of rules made by the new district. Requires each district that overlies the common aquifer and is in a groundwater management with the new district, not later than the 60th day after the date the new district makes the rules, to, as necessary to comply with Subsection (a-2), update

the district's management plan with an explanation of the district's reasoning to support its enforcement of existing district rules.

SECTION 2. Amends Section 36.1071(e), Water Code, as follows:

(e) Requires the district, in the management plan described under Subsection (a) (relating to requiring the district to develop a management plan that addresses certain management goals), to:

(1)–(2) makes no changes to these subdivisions;

(3)–(4) makes nonsubstantive changes to these subdivisions; 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. Requires a groundwater conservation district described by Section 36.101(a-2), Water Code, as added by this Act, to evaluate the existing rules of the district for compliance with that section. Requires the groundwater conservation district, 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, to 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. Effective date: September 1, 2019.