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H.B. No. 3278

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the joint planning of desired future conditions in
3 groundwater management areas.

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

5 SECTION 1. Section 36.108, Water Code, is amended by
6 amending Subsections (d-2) and (d-3) and adding Subsection (d-2a)
7 to read as follows:

8 (d-2) The desired future conditions proposed under
9 Subsection (d) must provide a balance between the highest
10 practicable level of groundwater production and the conservation,
11 preservation, protection, recharging, and prevention of waste of
12 groundwater and control of subsidence in the management area. This
13 subsection does not prohibit the establishment of desired future
14 conditions that provide for the reasonable long-term management of
15 groundwater resources consistent with the management goals under
16 Section 36.1071(a). The desired future conditions proposed under
17 Subsection (d) must be approved by a two-thirds vote of all the
18 district representatives for distribution to the districts in the
19 management area. A period of not less than 90 days for public
20 comments begins on the day the proposed desired future conditions
21 are mailed to the districts. During the public comment period and
22 after posting notice as required by Section 36.063, each district
23 shall hold a public hearing on any proposed desired future
24 conditions relevant to that district. During the public comment

1 period, the district shall make available in its office a copy of
2 the proposed desired future conditions and any supporting
3 materials, such as the documentation of factors considered under
4 Subsection (d) and groundwater availability model run results.
5 After the close of the public comment period, the district shall
6 compile and submit to the district representatives for
7 consideration at the next joint planning meeting:

8 (1) a summary of relevant comments received;

9 (2) [~~r~~] any suggested revisions to the proposed
10 desired future conditions, and the basis for those [the] revisions;
11 and

12 (3) any supporting materials, including new or revised
13 groundwater availability model run results.

14 (d-2a) The information compiled and submitted to the
15 district representatives under Subsection (d-2) must be made
16 available on a generally accessible Internet website maintained on
17 behalf of the management area for not less than 30 days.

18 (d-3) After each [~~all the districts have submitted their~~]
19 district has submitted to the district representatives the
20 information required under Subsection (d-2) and made the
21 information available for the required period of time under
22 Subsection (d-2a) [summaries], the district representatives shall
23 reconvene for a joint planning meeting to review the information
24 required under Subsection (d-2) [reports], consider any district's
25 suggested revisions to the proposed desired future conditions,
26 receive public comment, and finally adopt the desired future
27 conditions for the management area. The desired future conditions

1 must be approved by a resolution adopted by a two-thirds vote of all
2 the district representatives not later than January 5, 2022.
3 Subsequent desired future conditions must be proposed and finally
4 adopted by the district representatives before the end of each
5 successive five-year period after that date. The district
6 representatives shall produce a desired future conditions
7 explanatory report for the management area and submit to the
8 development board and each district in the management area proof
9 that notice was posted for the joint planning meeting, a copy of the
10 resolution, and a copy of the explanatory report. The report must:

- 11 (1) identify each desired future condition;
- 12 (2) provide the policy and technical justifications
13 for each desired future condition;
- 14 (3) include documentation that the factors under
15 Subsection (d) were considered by the districts and a discussion of
16 how the adopted desired future conditions impact each factor;
- 17 (4) list other desired future condition options
18 considered, if any, and the reasons why those options were not
19 adopted; and
- 20 (5) discuss reasons why recommendations made by
21 advisory committees and relevant public comments received by the
22 districts during the public comment period or at the joint planning
23 meeting were or were not incorporated into the desired future
24 conditions.

25 SECTION 2. Section 36.108, Water Code, as amended by this
26 Act, applies only to the proposal and adoption of a desired future
27 condition that occurs on or after the effective date of this Act. A

1 desired future condition proposed or adopted before the effective
2 date of this Act is governed by the law in effect on the date the
3 desired future condition was proposed or adopted, and that law is
4 continued in effect for that purpose.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.