

By: Price

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.