

By: Rogers

H.B. No. 4891

Substitute the following for H.B. No. 4891:

By: King of Uvalde

C.S.H.B. No. 4891

A BILL TO BE ENTITLED

AN ACT

1
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 36.1071(e), Water Code, is amended to
6 read as follows:

7 (e) In the management plan described under Subsection (a),
8 the district shall:

9 (1) identify the performance standards and management
10 objectives under which the district will operate to achieve the
11 management goals identified under Subsection (a);

12 (2) specify, in as much detail as possible, the
13 actions, procedures, performance, and avoidance that are or may be
14 necessary to effect the plan, including specifications and proposed
15 rules;

16 (3) include estimates of the following:

17 (A) modeled available groundwater in the
18 district based on the desired future condition established under
19 Section 36.108;

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

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

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

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

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

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

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

15 (5) include a plain explanation of how:

16 (A) the district is monitoring and tracking the
17 achievement of the desired future conditions established under
18 Section 36.108; and

19 (B) the district has performed in achieving the
20 desired future conditions established under Section 36.108 over the
21 previous five-year joint planning period.

22 SECTION 2. Section 36.108, Water Code, is amended by
23 amending Subsections (c) and (d-3) and adding Subsections (c-1) and
24 (d-5) to read as follows:

25 (c) The district representatives shall meet at least
26 annually to conduct joint planning with the other districts in the
27 management area. The representatives shall [~~and to~~] review:

1 (1) [~~the management plans,~~] the accomplishments of the
2 management area;

3 (2) [~~, and~~] proposals to adopt new or amend existing
4 desired future conditions; and

5 (3) not less than once during each five-year period
6 described by Subsection (d), the management plans of each district
7 in the management area.

8 (c-1) In reviewing the management plans under Subsection
9 (c), the districts shall consider:

10 (1) the goals of each management plan and its impact on
11 planning throughout the management area;

12 (2) the effectiveness of the measures established by
13 each district's management plan for conserving and protecting
14 groundwater and preventing waste, and the effectiveness of these
15 measures in the management area generally;

16 (3) any other matters that the boards consider
17 relevant to the protection and conservation of groundwater and the
18 prevention of waste in the management area; and

19 (4) the degree to which each district is achieving
20 [~~management plan achieves~~] the desired future conditions
21 established during the joint planning process through the
22 implementation of the district's management plan and rules.

23 (d-3) After all the districts have submitted their district
24 summaries, the district representatives shall reconvene to review
25 the reports, consider any district's suggested revisions to the
26 proposed desired future conditions, and finally adopt the desired
27 future conditions for the management area. The desired future

1 conditions must be approved by a resolution adopted by a two-thirds
2 vote of all the district representatives not later than January 5,
3 2022. Subsequent desired future conditions must be proposed and
4 finally adopted by the district representatives before the end of
5 each 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 were or were not incorporated into the desired future
23 conditions;

24 (6) include an explanation in plain language of why a
25 desired future condition adopted for an aquifer was changed if the
26 desired future condition is different from the previous five-year
27 joint planning period; and

1 (7) include a summary of how each district is
2 performing in achieving the desired future conditions.

3 (d-5) The districts and district representatives:

4 (1) shall adopt desired future conditions under this
5 section for each 50-year planning period identified by the
6 executive administrator for the preparation of state and regional
7 water plans;

8 (2) shall identify interim values for the desired
9 future conditions adopted under Subdivision (1) for time periods
10 not to exceed 10 years solely to assist the districts in monitoring
11 interim progress in achieving the desired future conditions adopted
12 for the 50-year planning period; and

13 (3) may adopt desired future conditions under this
14 section for other time periods.

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