

By: Cook of Colorado

H.B. No. 1670

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the resolution of conflicts between regional water
3 plans and groundwater conservation district management plans.

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

5 SECTION 1. Section 16.053(p), Water Code, is amended to
6 read as follows:

7 (p) If a groundwater conservation district files a petition
8 with the board stating that a conflict requiring resolution may
9 exist between the district's certified groundwater conservation
10 district management plan developed under Section 36.1071 and the
11 approved regional water plan, the board shall provide technical
12 assistance to and facilitate coordination between the district and
13 the involved region to resolve the conflict. ~~[If conflict remains,~~
14 ~~the board shall resolve the conflict. If the board determines that~~
15 ~~resolution of conflict requires a revision of an approved regional~~
16 ~~water plan, the board shall suspend the approval of that plan and~~
17 ~~provide information to the regional water planning group. The~~
18 ~~regional water planning group shall prepare any revisions to its~~
19 ~~plan specified by the board and shall hold, after notice, at least~~
20 ~~one public hearing at some central location within the regional~~
21 ~~water planning area. The regional water planning group shall~~
22 ~~consider all public and board comments, prepare, revise, and adopt~~
23 ~~its plan, and submit the revised plan to the board for approval and~~
24 ~~inclusion in the state water plan. If the board determines that~~

1 ~~resolution of conflict requires a revision of the district's~~
2 ~~certified groundwater conservation district management plan, the~~
3 ~~board shall suspend the certification of that plan and provide~~
4 ~~information to the district. The groundwater district shall~~
5 ~~prepare any revisions to its plan specified by the board and shall~~
6 ~~hold, after notice, at least one public hearing at some central~~
7 ~~location within the district. The groundwater district shall~~
8 ~~consider all public and board comments, prepare, revise, and adopt~~
9 ~~its plan, and submit the revised plan to the board for~~
10 ~~certification.]~~ On the request of the involved region or
11 groundwater conservation district, the board shall include
12 discussion of the conflict and its resolution in the state water
13 plan that the board provides to the governor, the lieutenant
14 governor, and the speaker of the house of representatives under
15 Section 16.051(e).

16 SECTION 2. Section 36.1071, Water Code, is amended by
17 amending Subsections (e) and (h) and adding Subsection (i) to read
18 as follows:

19 (e) In the management plan described under Subsection (a),
20 the district shall:

21 (1) identify the performance standards and management
22 objectives under which the district will operate to achieve the
23 management goals identified under Subsection (a);

24 (2) specify, in as much detail as possible, the
25 actions, procedures, performance, and avoidance that are or may be
26 necessary to effect the plan, including specifications and proposed
27 rules; and

1 (3) include estimates of the following:

2 (A) the existing total usable amount of
3 groundwater in the district;

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

6 (C) the annual amount of recharge, if any, to the
7 groundwater resources within the district and how natural or
8 artificial recharge may be increased; and

9 (D) the projected water supply and demand for
10 water within the district [~~and~~

11 [~~(4) address water supply needs in a manner that is not~~
12 ~~in conflict with the appropriate approved regional water plan if a~~
13 ~~regional water plan has been approved under Section 16.053].~~

14 (h) In developing its management plan, the district shall
15 use the groundwater availability modeling information provided by
16 the executive administrator together [~~in conjunction~~] with any
17 available site-specific information provided by the district [~~and~~
18 ~~acceptable to the executive administrator~~].

19 (i) In developing its management plan, the district shall
20 consider the water supply needs and water management strategies
21 outlined in the appropriate approved regional water plan.

22 SECTION 3. Sections 36.1072(b), (f), and (g), Water Code,
23 are amended to read as follows:

24 (b) Within 60 days of receipt of a management plan adopted
25 under Section 36.1071, the executive administrator shall certify a
26 management plan if the plan is administratively complete. A
27 management plan is administratively complete when it contains the

1 information required to be submitted under Section 36.1071(e)
2 [~~36.1071~~]. [~~The executive administrator may determine that~~
3 ~~conditions justify waiver of the requirements under Section~~
4 ~~36.1071(e)(4).~~]

5 (f) If the executive administrator does not certify the
6 management plan, the executive administrator shall provide to the
7 district, in writing, the reasons for the action. Not later than
8 the 180th day after the date a district receives notice that its
9 management plan has not been certified, the district may submit a
10 revised management plan for review and certification. The
11 executive administrator's decision may be appealed to the Texas
12 Water Development Board. A [~~The~~] decision of the Texas Water
13 Development Board not [~~on whether~~] to certify the management plan
14 may [~~not~~] be appealed to a district court in the county in which the
15 district is headquartered. The commission shall not take
16 enforcement action against a district under Subchapter I until the
17 later of the expiration of the 180-day period, [or] the date the
18 Texas Water Development Board has taken final action withholding
19 certification of a revised management plan, or the date a final
20 judgment upholding the board's decision is entered by a district
21 court.

22 (g) In this subsection, "board" means the Texas Water
23 Development Board. A person with a legally defined interest in
24 groundwater in a district or the regional water planning group may
25 file a petition with the board stating that a conflict requiring
26 resolution may exist between the district's certified groundwater
27 conservation district management plan developed under Section

1 36.1071 and the state water plan. If a conflict exists, the board
2 shall provide technical assistance to and facilitate coordination
3 between the involved person or regional water planning group and
4 the district to resolve the conflict. [~~If conflict remains, the
5 board shall resolve the conflict. The board action under this
6 provision may be consolidated, at the option of the board, with
7 related action under Section 16.053(p). If the board determines
8 that resolution of the conflict requires a revision of the
9 certified groundwater conservation district management plan, the
10 board shall suspend the certification of the plan and provide
11 information to the district. The district shall prepare any
12 revisions to the plan specified by the board and shall hold, after
13 notice, at least one public hearing at some central location within
14 the district. The district shall consider all public and board
15 comments, prepare, revise, and adopt its plan, and submit the
16 revised plan to the board for certification.~~] On the request of the
17 district or the regional water planning group, the board shall
18 include discussion of the conflict and its resolution in the state
19 water plan that the board provides to the governor, the lieutenant
20 governor, and the speaker of the house of representatives under
21 Section 16.051(e).

22 SECTION 4. The change in law made by this Act applies only
23 to a management plan adopted on or after the effective date of this
24 Act. A management plan adopted before the effective date of this
25 Act is covered by the law in effect on the date the management plan
26 was adopted, and the former law is continued in effect for that
27 purpose.

1 SECTION 5. This Act takes effect September 1, 2005.