

By: Corte

H.B. No. 3494

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of desired future conditions of
3 groundwater resources and revision of those conditions by the Texas
4 Water Development Board.

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

6 SECTION 1. Sections 36.108(d) and (m), Water Code, are
7 amended to read as follows:

8 (d) Not later than September 1, 2010, [~~and every five years~~
9 ~~thereafter,~~] the districts shall consider groundwater availability
10 models and other data or information for the management area and
11 shall establish desired future conditions for the relevant aquifers
12 within the management area. After January 1, 2012, and not later
13 than November 1, 2012, and every five years thereafter, the
14 districts shall as necessary revise the desired future conditions
15 using current groundwater availability models and other relevant
16 data or information. In establishing the desired future
17 conditions of the aquifers under this section, the districts shall
18 consider uses or conditions of an aquifer within the management
19 area that differ substantially from one geographic area to another.
20 The districts may establish different desired future conditions
21 for:

22 (1) each aquifer, subdivision of an aquifer, or
23 geologic strata located in whole or in part within the boundaries of
24 the management area; or

1 (2) each geographic area overlying an aquifer in whole
2 or in part or subdivision of an aquifer within the boundaries of the
3 management area.

4 (m) The development board shall review the petition and any
5 evidence relevant to the petition. The development board shall
6 hold at least one hearing at a central location in the management
7 area to take testimony on the petition. The development board may
8 delegate responsibility for a hearing to the executive
9 administrator or to a person designated by the executive
10 administrator. If the development board finds that the conditions
11 require revision, the development board shall revise [~~submit a~~
12 ~~report to the districts that includes a list of findings and~~
13 ~~recommended revisions to~~] the desired future conditions of the
14 groundwater resources. The development board's revision of the
15 desired future conditions is final and nonappealable. The
16 development board shall transmit the board's revision to the
17 districts not later than 30 days after completing the revision.

18 SECTION 2. Section 36.108(n), Water Code, is repealed.

19 SECTION 3. The change in law made by this Act applies only
20 to a petition filed under Section 36.108(1), Water Code, on or after
21 September 1, 2009. A petition filed before September 1, 2009, is
22 governed by the law in effect on the date the petition was filed,
23 and that law is continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2009.