

By: Hilderbran

H.B. No. 3114

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regional groundwater planning process for minor
3 aquifers.

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

5 SECTION 1. Section 36.108(a), Water Code, is amended by
6 adding Subdivisions (3) and (4) to read as follows:

7 (3) "Major aquifer" means an aquifer designated as
8 major by the development board.

9 (4) "Minor aquifer" means an aquifer designated as
10 minor by the development board.

11 SECTION 2. Section 36.108, Water Code, is amended by
12 amending Subsections (d), (d-2), and (d-3) and adding Subsection
13 (d-5) to read as follows:

14 (d) Not later than September 1, 2010, and every five years
15 thereafter, the districts shall consider groundwater availability
16 models and other data or information for the management area and
17 shall propose for adoption desired future conditions for the
18 relevant major aquifers within the management area. Before voting
19 on the proposed desired future conditions of the aquifers under
20 Subsection (d-2), the districts shall consider:

21 (1) aquifer uses or conditions within the management
22 area, including conditions that differ substantially from one
23 geographic area to another;

24 (2) the water supply needs and water management

1 strategies included in the state water plan;

2 (3) hydrological conditions, including for each
3 aquifer in the management area the total estimated recoverable
4 storage as provided by the executive administrator, and the average
5 annual recharge, inflows, and discharge;

6 (4) other environmental impacts, including impacts on
7 spring flow and other interactions between groundwater and surface
8 water;

9 (5) the impact on subsidence;

10 (6) socioeconomic impacts reasonably expected to
11 occur;

12 (7) the impact on the interests and rights in private
13 property, including ownership and the rights of management area
14 landowners and their lessees and assigns in groundwater as
15 recognized under Section 36.002;

16 (8) the feasibility of achieving the desired future
17 condition; and

18 (9) any other information relevant to the specific
19 desired future conditions.

20 (d-2) The desired future conditions proposed under
21 Subsection (d) must provide a balance between the highest
22 practicable level of groundwater production and the conservation,
23 preservation, protection, recharging, and prevention of waste of
24 groundwater and control of subsidence in the management area. This
25 subsection does not prohibit the establishment of desired future
26 conditions that provide for the reasonable long-term management of
27 groundwater resources consistent with the management goals under

1 Section 36.1071(a). The desired future conditions proposed under
2 Subsection (d) for the major aquifers in the management area must be
3 approved by a two-thirds vote of all the district representatives.
4 The desired future conditions proposed under Section 36.10801 for
5 the minor aquifers in the management area must be approved by a
6 two-thirds vote of the representatives of the districts in which
7 the minor aquifers are located and which are relevant in the
8 management area. Not later than 10 days after the date of the
9 approval, the desired future conditions for the major aquifers must
10 be distributed [~~for distribution~~] to all [~~the~~] districts in the
11 management area and the desired future conditions for the minor
12 aquifers must be distributed to the districts in which minor
13 aquifers are located. A period of not less than 90 days for public
14 comments begins on the day the proposed desired future conditions
15 are mailed to the districts. During the public comment period and
16 after posting notice as required by Section 36.063, each district
17 shall hold a public hearing on any proposed desired future
18 conditions for aquifers relevant to that district. During the
19 public comment period, the district shall make available in its
20 office a copy of the proposed desired future conditions for
21 aquifers relevant to that district and any supporting materials,
22 such as the documentation of factors considered under Subsection
23 (d) and groundwater availability model run results. After the
24 public hearing, the district shall compile for consideration at the
25 next joint planning meeting a summary of relevant comments
26 received, any suggested revisions to the proposed desired future
27 conditions, and the basis for the revisions.

1 (d-3) After the earlier of the date on which all the
2 districts have submitted their district summaries or the expiration
3 of the public comment period under Subsection (d-2), the district
4 representatives shall reconvene to review the reports, consider any
5 district's suggested revisions to the proposed desired future
6 conditions, and finally adopt the desired future conditions for the
7 management area. The desired future conditions for the major
8 aquifers in the management area must be adopted as a resolution by a
9 two-thirds vote of all the district representatives. The desired
10 future conditions for the minor aquifers in the management area
11 must be adopted by a two-thirds vote of the representatives of
12 districts for which the minor aquifers are relevant for joint
13 planning purposes. For each minor aquifer, a representative chosen
14 by the districts for which the minor aquifer is relevant shall
15 forward to the groundwater management area a desired future
16 condition explanatory report for the minor aquifer to include in
17 the groundwater management area's explanatory report to the
18 development board. The district representatives shall produce a
19 desired future conditions explanatory report for the management
20 area and submit to the development board and each district in the
21 management area proof that notice was posted for the joint planning
22 meeting, a copy of the resolution, and a copy of the explanatory
23 report. The report must:

- 24 (1) identify each desired future condition;
25 (2) provide the policy and technical justifications
26 for each desired future condition;
27 (3) include documentation that the factors under

1 Subsection (d) were considered by the districts and a discussion of
2 how the adopted desired future conditions impact each factor;

3 (4) list other desired future condition options
4 considered, if any, and the reasons why those options were not
5 adopted; and

6 (5) discuss reasons why recommendations made by
7 advisory committees and relevant public comments received by the
8 districts were or were not incorporated into the desired future
9 conditions.

10 (d-5) Not later than September 1 of the third year of a
11 five-year joint planning cycle established under Subsection (d),
12 the district representatives of all districts in the groundwater
13 management area shall conduct a joint meeting to identify the
14 districts in which minor aquifers are relevant. By two-thirds vote
15 of all the district representatives, the representatives shall
16 adopt a resolution identifying the districts in which each minor
17 aquifer is relevant. The representatives shall submit to the
18 development board:

19 (1) the resolution adopted; and

20 (2) proof that notice of the meeting at which the vote
21 was conducted was in compliance with Section 36.063.

22 SECTION 3. Subchapter D, Chapter 36, Water Code, is amended
23 by adding Section 36.10801 to read as follows:

24 Sec. 36.10801. JOINT PLANNING; MINOR AQUIFERS. (a) The
25 definitions in Section 36.108(a) apply to this section.

26 (b) Except as provided by Subsection (d), not later than
27 September 1, 2015, and every five years thereafter, district

1 representatives of districts for which minor aquifers are relevant
2 shall:

3 (1) meet to consider groundwater availability models
4 and other data or information related to the groundwater management
5 area; and

6 (2) propose for adoption desired future conditions for
7 the relevant minor aquifers within the management area.

8 (c) The district representatives shall forward the proposed
9 desired future conditions for each minor aquifer to all the
10 districts in the groundwater management area for consideration at
11 the next five-year meeting under Section 36.108.

12 (d) A district is exempt from the joint planning
13 requirements under Subsection (b) and Section 36.108 if:

14 (1) no major aquifer is located within the groundwater
15 management area in which the district is located; and

16 (2) the entire relevant portion of a minor aquifer in
17 the groundwater management area is wholly located within the
18 district.

19 SECTION 4. The procedures for the adoption and reporting
20 of desired future conditions of groundwater resources in a
21 management area under Section 36.108, Water Code, as amended by
22 this Act, and Section 36.10801, Water Code, as added by this Act,
23 apply only to the adoption of desired future conditions that occurs
24 on or after the effective date of this Act. Desired future
25 conditions adopted before the effective date of this Act are
26 governed by the law in effect on the date the desired future
27 conditions were adopted, and that law is continued in effect for

1 that purpose.

2 SECTION 5. This Act takes effect September 1, 2013.