

BILL ANALYSIS

C.S.H.B. 3801
By: Metcalf
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

To promote joint planning across the separate groundwater conservation districts that manage groundwater across shared aquifers, the state designated several groundwater management areas based on major aquifer boundaries. The districts in each management area work together to plan for the desired future condition of each aquifer, setting standards for aquifer conditions over the next few decades. A district's management plan must include the most recently adopted desired future condition. However, there is insufficient guidance on how the Texas Water Development Board should evaluate management plans for districts whose desired future condition has been petitioned or determined to be unreasonable. C.S.H.B. 3801 addresses uncertainty surrounding management plan review by clarifying that the most recently adopted desired future condition is the one to be included in the management plan, even if it is determined to be unreasonable, until the next joint planning cycle when a new desired future condition is approved.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3801 amends the Water Code to require a groundwater conservation district's management plan, or any amendments to the plan, to include the following:

- the most recently approved desired future conditions; and
- the amount of modeled available groundwater corresponding to those desired future conditions.

The bill requires a district to amend a management plan before the second anniversary of the adoption of those desired future conditions. If a petition challenging the reasonableness of a desired future condition is filed, the executive administrator of the Texas Water Development Board must consider the management plan administratively complete if the district includes the following:

- the most recently approved desired future conditions;
- the amount of modeled available groundwater corresponding to the desired future conditions;
- a statement of the status of the petition challenging the reasonableness of a desired future condition; and
- certain other specified information that must be included in the plan by law.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3801 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions relating to the definition of "affected person" for purposes of an appeal of desired future conditions.