

By: Metcalf

H.B. No. 3801

A BILL TO BE ENTITLED

AN ACT

relating to desired future conditions for groundwater that are declared unreasonable.

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

SECTION 1. Section 36.1071, Water Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The management plan, or any amendments to the plan, shall:

(1) be developed using the district's best available data and forwarded to the regional water planning group for use in their planning process; and

(2) include the:

(A) most recently approved desired future conditions adopted under Section 36.108; and

(B) amount of modeled available groundwater corresponding to the most recently approved desired future conditions.

(b-1) A district shall amend a management plan before the second anniversary of the adoption of desired future conditions included under Subsection (b).

(b-2) If a petition challenging the reasonableness of a desired future condition is filed under Section 36.1083(b), the executive administrator shall consider the management plan

1 administratively complete if the district includes:

2 (1) the most recently approved desired future  
3 conditions adopted under Section 36.108;

4 (2) the amount of modeled available groundwater  
5 corresponding to the desired future conditions;

6 (3) a statement of the status of the petition  
7 challenging the reasonableness of a desired future condition; and

8 (4) the information required by Subsections (a) and  
9 (e).

10 SECTION 2. Section 36.1083(a)(1), Water Code, is amended to  
11 read as follows:

12 (1) "Affected person" means:

13 (A) an owner of land in a district in the same  
14 management area in which a petition is filed;

15 (B) a district;

16 (C) a regional water planning group that has  
17 approved a regional water plan that includes a water management  
18 strategy applicable to the district that adopted the desired future  
19 conditions;

20 (D) a person who holds or is applying for a permit  
21 from a district in the same management area in which a petition is  
22 filed;

23 (E) a person who has groundwater rights in a  
24 district in the same management area in which a petition is filed;  
25 or

26 (F) any other person defined as affected by  
27 commission rule ~~[has the meaning assigned by Section 36.1082].~~

1           SECTION 3. The changes in law made by this Act apply only to  
2 a petition filed under Section [36.1083](#), Water Code, as amended by  
3 this Act, on or after the effective date of this Act. A petition  
4 filed before the effective date of this Act is governed by the law  
5 in effect on the date the hearing was conducted, and the former law  
6 is continued in effect for that purpose.

7           SECTION 4. This Act takes effect September 1, 2021.