

BILL ANALYSIS

C.S.H.B. 3990
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Groundwater and surface water are connected in varying degrees across the state. However, the significance of this connection is highlighted in the 2016 Texas Aquifers Study by the Texas Water Development Board (TWDB), which determined that the estimated average flow from major and minor aquifers to surface water is about 9.3 million acre-feet, or about one-third of the surface water flow in Texas. C.S.H.B. 3990 seeks to require the TWDB, in collaboration with the Texas Commission on Environmental Quality, to identify areas of the state where there is a strong degree of surface water and groundwater interaction and where data is lacking and models are inadequate and to prioritize these areas for increased data collection and modeling updates. The bill provides for TWDB collaboration with groundwater conservation districts, river authorities, academic institutions, governmental entities, and institutions of higher education in compiling and reviewing applicable data and analyses.

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. 3990 requires the Texas Water Development Board (TWDB), in cooperation with the Texas Commission on Environmental Quality (TCEQ), to conduct a study to do the following:

- compile and review data and analyses from existing studies conducted on the interaction between surface water and groundwater in Texas;
- identify areas of the state where there is a strong degree of interaction between surface water and groundwater;
- identify areas of the state where there is a lack of data regarding or where there are inadequate models on the interaction between surface water and groundwater; and
- in areas with a strong degree of interaction between surface water and groundwater and where available data are lacking or models are inadequate, determine a method to prioritize the following:
 - additional data collection, including streamflow gain-loss studies and long-term monitoring of spring flows; and
 - updates of models and improvements to the modeling of the interaction between surface water and groundwater.

The bill authorizes the TWDB and the TCEQ to coordinate with groundwater conservation districts, river authorities, governmental entities, and institutions of higher education in

compiling and reviewing existing data and analyses on the interaction between surface water and groundwater in Texas.

C.S.H.B. 3990 requires the TWDB and the TCEQ, not later than December 1, 2024, to deliver to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report summarizing the findings and recommendations of the TWDB and the TCEQ based on the study. The bill's provisions expire January 1, 2025.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3990 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises provisions in the introduced regarding the study conducted by the TWDB, in cooperation with the TCEQ, as follows:

- clarifies that the study involves compiling and reviewing data and analyses from existing studies; and
- requires the study to identify areas of the state where there is a strong degree of interaction between surface water and groundwater.

Additionally, the introduced required the study to determine a method to prioritize the development of enhanced modeling techniques to collect more data in areas with a strong degree of surface water and groundwater interaction, including conducting streamflow gain-loss studies where adequate data is lacking and increasing long-term monitoring of springflows. The substitute requires the study instead to determine a method to prioritize, in those areas, and in areas where available data are lacking or models are inadequate, the following:

- additional data collection, including streamflow gain-loss studies and long-term monitoring of springflows; and
- updates of models and improvements to the modeling of the interaction between surface water and groundwater.

The introduced authorized the TWDB and the TCEQ to coordinate with groundwater conservation districts, groundwater management areas, river authorities, governmental entities, and institutions of higher education in collecting existing data and analyses on the interaction between surface water and groundwater in Texas. The substitute authorizes the TWDB and the TCEQ to coordinate instead with only those districts, authorities, entities, and institutions in compiling and reviewing existing data and analyses on that interaction, not the groundwater management areas.