

BILL ANALYSIS

C.S.H.B. 4891
By: Rogers
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 4891 addresses recommendations to the 88th Texas Legislature from the House Natural Resources Committee's interim report regarding the tracking and achievement of desired future condition planning goals for aquifers that are developed in a joint planning process and adopted by groundwater conservation districts. The bill addresses the issue of how districts demonstrate that their present-day aquifer management activities are on track to achieve their desired future conditions, which are established for approximately 50 years into the future, by revising provisions relating to the joint planning of desired future conditions in groundwater management areas.

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. 4891 amends the Water Code to require a groundwater conservation district to include in its management plan a plain explanation of how the district is monitoring and tracking the achievement of the district's applicable desired future conditions and how the district has performed in achieving those conditions over the previous five-year joint planning period.

C.S.H.B. 4891, with respect to the annual joint planning of a management area by district representatives and the review of management plans, specifies that such review is of the management plans of each district in the management area and decreases the frequency of such review to not less than once during each applicable five-year planning period. The bill replaces the requirement for the districts, in reviewing management plans, to consider the degree to which each management plan achieves the desired future conditions established during the joint planning process with a requirement that the districts consider in that review the degree to which each district is achieving those established future conditions through the implementation of the district's management plan and rules.

C.S.H.B. 4891 includes the following among the required contents of the desired future conditions explanatory report produced by district representatives:

- an explanation in plain language of why a desired future condition adopted for an aquifer was changed if the desired future condition is different from the previous five-year joint planning period; and
- a summary of how each district is performing in achieving the desired future conditions.

C.S.H.B. 4891 requires the districts and district representatives to do the following:

- adopt desired future conditions for each 50-year planning period identified by the Texas Water Development Board executive administrator for the preparation of state and regional water plans; and
- identify interim values for those adopted conditions for time periods not to exceed 10 years solely to assist the districts in monitoring interim progress in achieving the desired future conditions adopted for the 50-year planning period.

The bill authorizes the districts and district representatives to adopt desired future conditions for other time periods.

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. 4891 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.

Whereas the introduced required district representatives, in their meeting for the joint planning of a management area, to review the management plans of the districts and their implementation through the districts' rules, the substitute includes a specification not in the introduced that the review of the management plans is the review of the management plans of each district in the management area, decreases the frequency of the review to not less than once during each applicable five-year planning period, and does not include the requirement to review the implementation of the plans through the districts' rules.

While both the introduced and substitute require districts to consider, in reviewing management plans, the degree to which each district is achieving the desired future conditions established during the joint planning process through the implementation of the district's management plan and rules, the introduced also included the degree to which the district is achieving those conditions through the enforcement of the district's management plan and rules in the scope of that requirement, but the substitute does not.

Whereas the introduced required the desired future conditions explanatory report produced by district representatives to include a summary of how each district is achieving the desired future conditions through the implementation and enforcement of its management plan and rules, the substitute requires the report to include a summary of how each district is performing in achieving the desired future conditions.

Whereas the introduced required districts and district representatives to adopt desired future conditions for each five-year period within an applicable 50-year planning period to aid the districts in monitoring interim progress in achieving the desired future conditions adopted for the 50-year planning period, the substitute requires the districts and district representatives to identify interim values for those conditions for time periods not to exceed 10 years solely to assist the districts in monitoring such progress.