

By: Rogers

H.B. No. 4891

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and achievement of desired future conditions for aquifers by groundwater conservation districts.

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

SECTION 1. Section 36.1071(e), Water Code, is amended to read as follows:

(e) In the management plan described under Subsection (a), the district shall:

(1) identify the performance standards and management objectives under which the district will operate to achieve the management goals identified under Subsection (a);

(2) specify, in as much detail as possible, the actions, procedures, performance, and avoidance that are or may be necessary to effect the plan, including specifications and proposed rules;

(3) include estimates of the following:

(A) modeled available groundwater in the district based on the desired future condition established under Section 36.108;

(B) the amount of groundwater being used within the district on an annual basis;

(C) the annual amount of recharge from precipitation, if any, to the groundwater resources within the district;

1 (D) for each aquifer, the annual volume of water
2 that discharges from the aquifer to springs and any surface water
3 bodies, including lakes, streams, and rivers;

4 (E) the annual volume of flow into and out of the
5 district within each aquifer and between aquifers in the district,
6 if a groundwater availability model is available;

7 (F) the projected surface water supply in the
8 district according to the most recently adopted state water plan;
9 and

10 (G) the projected total demand for water in the
11 district according to the most recently adopted state water plan;
12 [~~and~~]

13 (4) consider the water supply needs and water
14 management strategies included in the adopted state water plan; and

15 (5) include a plain explanation of how the district is
16 monitoring and tracking achievement of the desired future
17 conditions established under Section 36.108 and how the district
18 performed in achieving the desired future conditions over the
19 previous five-year joint planning period.

20 SECTION 2. Section 36.108, Water Code, is amended by
21 amending Subsections (c) and (d-3) and adding Subsection (d-4) to
22 read as follows:

23 (c) The district representatives shall meet at least
24 annually to conduct joint planning with the other districts in the
25 management area and to review the management plans of the districts
26 and their implementation through the rules of the districts, the
27 accomplishments of the management area, and proposals to adopt new

1 or amend existing desired future conditions. In reviewing the
2 management plans, the districts shall consider:

3 (1) the goals of each management plan and its impact on
4 planning throughout the management area;

5 (2) the effectiveness of the measures established by
6 each district's management plan for conserving and protecting
7 groundwater and preventing waste, and the effectiveness of these
8 measures in the management area generally;

9 (3) any other matters that the boards consider
10 relevant to the protection and conservation of groundwater and the
11 prevention of waste in the management area; and

12 (4) the degree to which each district is achieving
13 ~~[management plan achieves]~~ the desired future conditions
14 established during the joint planning process through the
15 implementation and enforcement of its management plan and rules.

16 (d-3) After all the districts have submitted their district
17 summaries, the district representatives shall reconvene to review
18 the reports, consider any district's suggested revisions to the
19 proposed desired future conditions, and finally adopt the desired
20 future conditions for the management area. The desired future
21 conditions must be approved by a resolution adopted by a two-thirds
22 vote of all the district representatives not later than January 5,
23 2022. Subsequent desired future conditions must be proposed and
24 finally adopted by the district representatives before the end of
25 each successive five-year period after that date. The district
26 representatives shall produce a desired future conditions
27 explanatory report for the management area and submit to the

development board and each district in the management area proof that notice was posted for the joint planning meeting, a copy of the resolution, and a copy of the explanatory report. The report must:

(1) identify each desired future condition;

(2) provide the policy and technical justifications for each desired future condition;

(3) include documentation that the factors under Subsection (d) were considered by the districts and a discussion of how the adopted desired future conditions impact each factor;

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

(5) for each desired future condition that changed from the corresponding one, if any, adopted for an aquifer in the previous five-year joint planning period, include a plain explanation of why the desired future condition was changed;

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

(7) include a summary of how each district is achieving the desired future conditions through the implementation and enforcement of its management plan and rules.

(d-4) The district representatives and districts shall adopt desired future conditions under this section for the following time periods and may adopt desired future conditions for other time periods:

1 (1) for each 50-year planning period identified
2 by the executive administrator for the preparation of state and
3 regional water plans; and

4 (2) for each five-year period within the 50-year
5 planning period to aid the districts in monitoring interim progress
6 in achieving the desired future conditions adopted for the 50-year
7 planning period.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2023.