

BILL ANALYSIS

C.S.H.B. 3609
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A groundwater conservation district's management plan is required, in part, to include estimates of modeled available groundwater in the district based on established desired future conditions and the amount of groundwater being used within the district on an annual basis. The bill author has informed the committee, however, that there is a need to address cases where a desired future condition is under legal challenge or where an aquifer's relevance has changed after planning. C.S.H.B. 3609 seeks to address this need by, among other things, requiring a management plan, or any amendments to the plan, to include the most recently approved desired future conditions adopted under applicable provisions and the amount of modeled available groundwater corresponding to those conditions.

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. 3609 amends the Water Code to require a groundwater conservation district's management plan, or any amendments to the plan, to include the most recently approved desired future conditions adopted under provisions relating to joint planning in a management area and the amount of modeled available groundwater corresponding to those conditions. The bill requires a district to amend a management plan before the second anniversary of the adoption of those conditions. If a petition challenging the reasonableness of a desired future condition is filed under provisions relating to the appeal of a desired future condition and until the district issues a final order under those provisions or, if the desired future condition is found to be unreasonable in the final order, a new desired future condition is adopted under those provisions or provisions relating to joint planning in a management area, the executive administrator of the Texas Water Development Board is required to consider a management plan administratively complete if the district includes the following:

- the most recently approved desired future conditions adopted under such provisions;
- 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
- applicable information required by statute.

The bill's provisions applicable to a petition for the appeal of the reasonableness of a desired future condition apply only to a petition filed on or after the bill's effective date. A petition filed

before such date is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3609 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.

With respect to the bill's requirement that the executive administrator consider an applicable management plan administratively complete in the circumstance that an appealed desired future condition is found to be unreasonable in a district's final order and a new desired future condition is adopted under provisions relating to the appeal of a desired future condition, the substitute includes as an alternative adoption under provisions relating to joint planning in a management area, whereas such alternative was not in the introduced.