

BILL ANALYSIS

Senate Research Center
85R19991 AAF-F

H.B. 2215
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Agriculture, Water & Rural Affairs
5/15/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note a need to make changes to the process for the proposal and adoption of desired future conditions for aquifers in a groundwater management area in order to increase stakeholder certainty and better synchronize the five-year joint groundwater and regional water planning cycles. H.B. 2215 makes such changes.

H.B. 2215 amends the Water Code to change the desired future conditions with which a regional water planning group's regional water plan is required to be consistent from the desired future conditions adopted as of the date the Texas Water Development Board (TWDB) most recently adopted a state water plan or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan to the desired future conditions adopted as of the most recent deadline for the TWDB to adopt the state water plan or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan. H.B. 2215 changes the deadlines by which groundwater conservation districts are required to consider groundwater availability models and other data or information for a management area and propose for adoption desired future conditions for the relevant aquifers within the management area from not later than September 1, 2010, and every five years thereafter to not later than May 1, 2021, and every five years thereafter. The bill revises the timeframe for a district's compilation of a summary regarding proposed desired future conditions that addresses relevant comments received, any suggested revisions to the proposed conditions, and the basis for the revisions and the timeframe for district representatives to reconvene to review certain reports, consider any district's suggested revisions to the proposed conditions, and finally adopt the desired future conditions. The bill provides a deadline of not later than January 5, 2022, by which the desired future conditions must be approved by a resolution adopted by a two-thirds vote of all the district representatives and requires subsequent desired future conditions to be proposed and finally adopted by the district representatives before the end of each successive five-year period after that date.

H.B. 2215 amends current law relating to the deadline for adoption of desired future conditions in groundwater conservation districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 16.053(e), Water Code, as amended by Chapters 756 (H.B. 2031), 990 (H.B. 30), and 1180 (S.B. 1101), Acts of the 84th Legislature, Regular Session, 2015, and amends it as follows:

- (e) Requires each regional water planning group to submit to the Texas Water Development Board (TWDB) a regional water plan that is consistent with the desired future conditions adopted under Section 36.108 (Joint Planning in Management Area) for the relevant aquifers located in the regional water planning area as of the most recent deadline for TWDB to adopt the state water plan, rather than the date TWDB most recently adopted a state water plan, under Section 16.051 (State Water Plan: Drought,

Conservation, Development, and Management; Effect of Plan) or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan. Deletes existing text relating to opportunities for and the benefits of developing large scale desalination facilities for certain brackish groundwater production zones. Makes nonsubstantive changes.

SECTION 2. Amends Sections 36.108 (d), (d-2), (d-3), and (d-4), Water Code, as follows:

(d) Requires the groundwater conservation districts (districts), not later than May 1, 2021, rather than September 1, 2010, and every five years thereafter, to consider groundwater availability models and other data or information for the management area and to propose for adoption desired future conditions for the relevant aquifers within the management area.

(d-2) Requires the district, after the close of the public comment period, rather than after the close of the public hearing, to compile for consideration at the next joint planning meeting a summary of relevant comments received, any suggested revisions to the proposed desired future conditions, and the basis for the revisions.

(d-3) Requires the district representatives, after all the districts have submitted their district summaries, rather than the earlier of the date on which all the districts have submitted their district summaries or the expiration of the public comment period under Subsection (d-2), to reconvene to review the reports, consider any district's suggested revisions to the proposed desired future conditions, and finally adopt the desired future conditions for the management area. Requires the desired future conditions to be approved by, rather than adopted as, a resolution adopted by a two-thirds vote of all the district representatives not later than January 5, 2022. Requires subsequent desired future conditions to be proposed and finally adopted by the district representatives before the end of each successive five-year period after that date.

(d-4) Requires the district, after a district receives notification from TWDB that the desired future conditions resolution and explanatory report under Subsection (d-3) are administratively complete, to adopt the applicable desired future conditions in the resolution and report, rather than in the resolution and report that apply to the district.

SECTION 3. Repealer: Section 36.108(d-5) (relating to a certain proposal for the adoption of desired future conditions for the relevant aquifers within a management area), Water Code.

SECTION 4. Provides that, to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Effective date: upon passage or September 1, 2017.