

1-1 By: Price (Senate Sponsor - Miles) H.B. No. 2215  
 1-2 (In the Senate - Received from the House May 1, 2017;  
 1-3 May 4, 2017, read first time and referred to Committee on  
 1-4 Agriculture, Water & Rural Affairs; May 16, 2017, reported  
 1-5 favorably by the following vote: Yeas 7, Nays 0; May 16, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED  
 1-17 AN ACT

1-18 relating to the deadline for adoption of desired future conditions  
 1-19 in groundwater conservation districts.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 16.053(e), Water Code, as amended by  
 1-22 Chapters 756 (H.B. 2031), 990 (H.B. 30), and 1180 (S.B. 1101), Acts  
 1-23 of the 84th Legislature, Regular Session, 2015, is reenacted and  
 1-24 amended to read as follows:

1-25 (e) Each regional water planning group shall submit to the  
 1-26 development board a regional water plan that:

1-27 (1) is consistent with the guidance principles for the  
 1-28 state water plan adopted by the development board under Section  
 1-29 16.051(d);

1-30 (2) provides information based on data provided or  
 1-31 approved by the development board in a format consistent with the  
 1-32 guidelines provided by the development board under Subsection (d);

1-33 (2-a) is consistent with the desired future conditions  
 1-34 adopted under Section 36.108 for the relevant aquifers located in  
 1-35 the regional water planning area as of the most recent deadline for  
 1-36 ~~[date]~~ the board to adopt the ~~[most recently adopted a]~~ state water  
 1-37 plan under Section 16.051 or, at the option of the regional water  
 1-38 planning group, established subsequent to the adoption of the most  
 1-39 recent plan; provided, however, that if no groundwater conservation  
 1-40 district exists within the area of the regional water planning  
 1-41 group, the regional water planning group shall determine the supply  
 1-42 of groundwater for regional planning purposes; the Texas Water  
 1-43 Development Board shall review and approve, prior to inclusion in  
 1-44 the regional water plan, that the groundwater supply for the  
 1-45 regional planning group without a groundwater conservation  
 1-46 district in its area is physically compatible, using the board's  
 1-47 groundwater availability models, with the desired future  
 1-48 conditions adopted under Section 36.108 for the relevant aquifers  
 1-49 in the groundwater management area that are regulated by  
 1-50 groundwater conservation districts;

1-51 (3) identifies:

1-52 (A) each source of water supply in the regional  
 1-53 water planning area, including information supplied by the  
 1-54 executive administrator on the amount of modeled available  
 1-55 groundwater in accordance with the guidelines provided by the  
 1-56 development board under Subsections (d) and (f);

1-57 (B) factors specific to each source of water  
 1-58 supply to be considered in determining whether to initiate a  
 1-59 drought response;

1-60 (C) actions to be taken as part of the response;  
 1-61 and

2-1 (D) existing major water infrastructure  
 2-2 facilities that may be used for interconnections in the event of an  
 2-3 emergency shortage of water;  
 2-4 (4) has specific provisions for water management  
 2-5 strategies to be used during a drought of record;  
 2-6 (5) includes but is not limited to consideration of  
 2-7 the following:  
 2-8 (A) any existing water or drought planning  
 2-9 efforts addressing all or a portion of the region and potential  
 2-10 impacts on public health, safety, or welfare in this state;  
 2-11 (B) approved groundwater conservation district  
 2-12 management plans and other plans submitted under Section 16.054;  
 2-13 (C) all potentially feasible water management  
 2-14 strategies, including but not limited to improved conservation,  
 2-15 reuse, and management of existing water supplies, conjunctive use,  
 2-16 acquisition of available existing water supplies, and development  
 2-17 of new water supplies;  
 2-18 (D) protection of existing water rights in the  
 2-19 region;  
 2-20 (E) opportunities for and the benefits of  
 2-21 developing regional water supply facilities or providing regional  
 2-22 management of water supply facilities;  
 2-23 (F) appropriate provision for environmental  
 2-24 water needs and for the effect of upstream development on the bays,  
 2-25 estuaries, and arms of the Gulf of Mexico and the effect of plans on  
 2-26 navigation;  
 2-27 (G) provisions in Section 11.085(k)(1) if  
 2-28 interbasin transfers are contemplated;  
 2-29 (H) voluntary transfer of water within the region  
 2-30 using, but not limited to, regional water banks, sales, leases,  
 2-31 options, subordination agreements, and financing agreements;  
 2-32 (I) emergency transfer of water under Section  
 2-33 11.139, including information on the part of each permit, certified  
 2-34 filing, or certificate of adjudication for nonmunicipal use in the  
 2-35 region that may be transferred without causing unreasonable damage  
 2-36 to the property of the nonmunicipal water rights holder; and  
 2-37 (J) opportunities for and the benefits of  
 2-38 developing large-scale desalination facilities for:  
 2-39 (i) marine seawater that serve local or  
 2-40 regional entities; and  
 2-41 (ii) [~~(J) opportunities for and the~~  
 2-42 ~~benefits of developing large-scale desalination facilities for~~]  
 2-43 seawater or brackish groundwater that serve local or regional  
 2-44 brackish groundwater production zones identified and designated  
 2-45 under Section 16.060(b)(5);  
 2-46 (6) identifies river and stream segments of unique  
 2-47 ecological value and sites of unique value for the construction of  
 2-48 reservoirs that the regional water planning group recommends for  
 2-49 protection under Section 16.051;  
 2-50 (7) assesses the impact of the plan on unique river and  
 2-51 stream segments identified in Subdivision (6) if the regional water  
 2-52 planning group or the legislature determines that a site of unique  
 2-53 ecological value exists;  
 2-54 (8) describes the impact of proposed water projects on  
 2-55 water quality; and  
 2-56 (9) includes information on:  
 2-57 (A) projected water use and conservation in the  
 2-58 regional water planning area; and  
 2-59 (B) the implementation of state and regional  
 2-60 water plan projects, including water conservation strategies,  
 2-61 necessary to meet the state's projected water demands.  
 2-62 SECTION 2. Sections 36.108(d), (d-2), (d-3), and (d-4),  
 2-63 Water Code, are amended to read as follows:  
 2-64 (d) Not later than May 1, 2021 [~~September 1, 2010~~], and  
 2-65 every five years thereafter, the districts shall consider  
 2-66 groundwater availability models and other data or information for  
 2-67 the management area and shall propose for adoption desired future  
 2-68 conditions for the relevant aquifers within the management area.  
 2-69 Before voting on the proposed desired future conditions of the

3-1 aquifers under Subsection (d-2), the districts shall consider:

- 3-2 (1) aquifer uses or conditions within the management  
 3-3 area, including conditions that differ substantially from one  
 3-4 geographic area to another;
- 3-5 (2) the water supply needs and water management  
 3-6 strategies included in the state water plan;
- 3-7 (3) hydrological conditions, including for each  
 3-8 aquifer in the management area the total estimated recoverable  
 3-9 storage as provided by the executive administrator, and the average  
 3-10 annual recharge, inflows, and discharge;
- 3-11 (4) other environmental impacts, including impacts on  
 3-12 spring flow and other interactions between groundwater and surface  
 3-13 water;
- 3-14 (5) the impact on subsidence;
- 3-15 (6) socioeconomic impacts reasonably expected to  
 3-16 occur;
- 3-17 (7) the impact on the interests and rights in private  
 3-18 property, including ownership and the rights of management area  
 3-19 landowners and their lessees and assigns in groundwater as  
 3-20 recognized under Section 36.002;
- 3-21 (8) the feasibility of achieving the desired future  
 3-22 condition; and
- 3-23 (9) any other information relevant to the specific  
 3-24 desired future conditions.

3-25 (d-2) The desired future conditions proposed under  
 3-26 Subsection (d) must provide a balance between the highest  
 3-27 practicable level of groundwater production and the conservation,  
 3-28 preservation, protection, recharging, and prevention of waste of  
 3-29 groundwater and control of subsidence in the management area. This  
 3-30 subsection does not prohibit the establishment of desired future  
 3-31 conditions that provide for the reasonable long-term management of  
 3-32 groundwater resources consistent with the management goals under  
 3-33 Section 36.1071(a). The desired future conditions proposed under  
 3-34 Subsection (d) must be approved by a two-thirds vote of all the  
 3-35 district representatives for distribution to the districts in the  
 3-36 management area. A period of not less than 90 days for public  
 3-37 comments begins on the day the proposed desired future conditions  
 3-38 are mailed to the districts. During the public comment period and  
 3-39 after posting notice as required by Section 36.063, each district  
 3-40 shall hold a public hearing on any proposed desired future  
 3-41 conditions relevant to that district. During the public comment  
 3-42 period, the district shall make available in its office a copy of  
 3-43 the proposed desired future conditions and any supporting  
 3-44 materials, such as the documentation of factors considered under  
 3-45 Subsection (d) and groundwater availability model run results.  
 3-46 After the close of the public comment period [hearing], the  
 3-47 district shall compile for consideration at the next joint planning  
 3-48 meeting a summary of relevant comments received, any suggested  
 3-49 revisions to the proposed desired future conditions, and the basis  
 3-50 for the revisions.

3-51 (d-3) After ~~[the earlier of the date on which]~~ all the  
 3-52 districts have submitted their district summaries ~~[or the~~  
 3-53 ~~expiration of the public comment period under Subsection (d-2)]~~,  
 3-54 the district representatives shall reconvene to review the reports,  
 3-55 consider any district's suggested revisions to the proposed desired  
 3-56 future conditions, and finally adopt the desired future conditions  
 3-57 for the management area. The desired future conditions must be  
 3-58 approved by [adopted as] a resolution adopted by a two-thirds vote  
 3-59 of all the district representatives not later than January 5, 2022.  
 3-60 Subsequent desired future conditions must be proposed and finally  
 3-61 adopted by the district representatives before the end of each  
 3-62 successive five-year period after that date. The district  
 3-63 representatives shall produce a desired future conditions  
 3-64 explanatory report for the management area and submit to the  
 3-65 development board and each district in the management area proof  
 3-66 that notice was posted for the joint planning meeting, a copy of the  
 3-67 resolution, and a copy of the explanatory report. The report must:

3-68 (1) identify each desired future condition;

3-69 (2) provide the policy and technical justifications

4-1 for each desired future condition;  
4-2 (3) include documentation that the factors under  
4-3 Subsection (d) were considered by the districts and a discussion of  
4-4 how the adopted desired future conditions impact each factor;  
4-5 (4) list other desired future condition options  
4-6 considered, if any, and the reasons why those options were not  
4-7 adopted; and  
4-8 (5) discuss reasons why recommendations made by  
4-9 advisory committees and relevant public comments received by the  
4-10 districts were or were not incorporated into the desired future  
4-11 conditions.  
4-12 (d-4) After [~~As soon as possible after~~] a district receives  
4-13 notification from the Texas Water Development Board that the  
4-14 desired future conditions resolution and explanatory report under  
4-15 Subsection (d-3) are administratively complete, the district shall  
4-16 adopt the applicable desired future conditions in the resolution  
4-17 and report [~~that apply to the district~~].  
4-18 SECTION 3. Section 36.108(d-5), Water Code, is repealed.  
4-19 SECTION 4. To the extent of any conflict, this Act prevails  
4-20 over another Act of the 85th Legislature, Regular Session, 2017,  
4-21 relating to nonsubstantive additions to and corrections in enacted  
4-22 codes.  
4-23 SECTION 5. This Act takes effect immediately if it receives  
4-24 a vote of two-thirds of all the members elected to each house, as  
4-25 provided by Section 39, Article III, Texas Constitution. If this  
4-26 Act does not receive the vote necessary for immediate effect, this  
4-27 Act takes effect September 1, 2017.

4-28 \* \* \* \* \*