1-1   By: Price, et al. (Senate Sponsor - Blanco)   H.B. No. 3278
1-2   (In the Senate - Received from the House May 1, 2023;
1-3   May 2, 2023, read first time and referred to Committee on Water,
1-4   Agriculture & Rural Affairs; May 12, 2023, reported favorably by
1-5   the following vote: Yeas 8, Nays 0; May 12, 2023, sent to printer.)

1-6   COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Perry	X			
1-9	Hancock	X			
1-10	Blanco	X			
1-11	Flores	X			
1-12	Gutierrez			X	
1-13	Johnson	X			
1-14	Kolkhorst	X			
1-15	Sparks	X			
1-16	Springer	X			

1-17   A BILL TO BE ENTITLED
1-18   AN ACT

1-19   relating to the joint planning of desired future conditions in
1-20   groundwater management areas.
1-21   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-22   SECTION 1. Section 36.108, Water Code, is amended by
1-23   amending Subsections (d-2) and (d-3) and adding Subsection (d-2a)
1-24   to read as follows:
1-25   (d-2) The desired future conditions proposed under
1-26   Subsection (d) must provide a balance between the highest
1-27   practicable level of groundwater production and the conservation,
1-28   preservation, protection, recharging, and prevention of waste of
1-29   groundwater and control of subsidence in the management area. This
1-30   subsection does not prohibit the establishment of desired future
1-31   conditions that provide for the reasonable long-term management of
1-32   groundwater resources consistent with the management goals under
1-33   Section 36.1071(a). The desired future conditions proposed under
1-34   Subsection (d) must be approved by a two-thirds vote of all the
1-35   district representatives for distribution to the districts in the
1-36   management area.   A period of not less than 90 days for public
1-37   comments begins on the day the proposed desired future conditions
1-38   are mailed to the districts. During the public comment period and
1-39   after posting notice as required by Section 36.063, each district
1-40   shall hold a public hearing on any proposed desired future
1-41   conditions relevant to that district. During the public comment
1-42   period, the district shall make available in its office a copy of
1-43   the proposed desired future conditions and any supporting
1-44   materials, such as the documentation of factors considered under
1-45   Subsection (d) and groundwater availability model run results.
1-46   After the close of the public comment period, the district shall
1-47   compile and submit to the district representatives for
1-48   consideration at the next joint planning meeting:
1-49   (1) a summary of relevant comments received;
1-50   (2) [,] any suggested revisions to the proposed
1-51   desired future conditions, and the basis for those [the] revisions; and
1-52   and
1-53   (3) any supporting materials, including new or revised
1-54   groundwater availability model run results.
1-55   (d-2a) The information compiled and submitted to the
1-56   district representatives under Subsection (d-2) must be made
1-57   available on a generally accessible Internet website maintained on
1-58   behalf of the management area for not less than 30 days.
1-59   (d-3) After each [all the districts have submitted their]
1-60   district has submitted to the district representatives the
1-61   information required under Subsection (d-2) and made the

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2-1 information available for the required period of time under
2-2 Subsection (d-2a) [summaries], the district representatives shall
2-3 reconvene for a joint planning meeting to review the information
2-4 required under Subsection (d-2) [reports], consider any district's
2-5 suggested revisions to the proposed desired future conditions,
2-6 receive public comment, and finally adopt the desired future
2-7 conditions for the management area. The desired future conditions
2-8 must be approved by a resolution adopted by a two-thirds vote of all
2-9 the district representatives not later than January 5, 2022.
2-10 Subsequent desired future conditions must be proposed and finally
2-11 adopted by the district representatives before the end of each
2-12 successive five-year period after that date. The district
2-13 representatives shall produce a desired future conditions
2-14 explanatory report for the management area and submit to the
2-15 development board and each district in the management area proof
2-16 that notice was posted for the joint planning meeting, a copy of the
2-17 resolution, and a copy of the explanatory report. The report must:
2-18   (1) identify each desired future condition;
2-19   (2) provide the policy and technical justifications
2-20 for each desired future condition;
2-21   (3) include documentation that the factors under
2-22 Subsection (d) were considered by the districts and a discussion of
2-23 how the adopted desired future conditions impact each factor;
2-24   (4) list other desired future condition options
2-25 considered, if any, and the reasons why those options were not
2-26 adopted; and
2-27   (5) discuss reasons why recommendations made by
2-28 advisory committees and relevant public comments received by the
2-29 districts during the public comment period or at the joint planning
2-30 meeting were or were not incorporated into the desired future
2-31 conditions.
2-32   SECTION 2. Section 36.108, Water Code, as amended by this
2-33 Act, applies only to the proposal and adoption of a desired future
2-34 condition that occurs on or after the effective date of this Act. A
2-35 desired future condition proposed or adopted before the effective
2-36 date of this Act is governed by the law in effect on the date the
2-37 desired future condition was proposed or adopted, and that law is
2-38 continued in effect for that purpose.
2-39   SECTION 3. This Act takes effect immediately if it receives
2-40 a vote of two-thirds of all the members elected to each house, as
2-41 provided by Section 39, Article III, Texas Constitution. If this
2-42 Act does not receive the vote necessary for immediate effect, this
2-43 Act takes effect September 1, 2023.

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