

1-1 By: Gerdes, et al. (Senate Sponsor - Perry) H.B. No. 2080
 1-2 (In the Senate - Received from the House May 19, 2025;
 1-3 May 19, 2025, read first time and referred to Committee on Water,
 1-4 Agriculture and Rural Affairs; May 23, 2025, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 1; May 23, 2025, 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	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2080 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the authority of a groundwater conservation district to
 1-22 regulate groundwater withdrawals from certain wells and the review
 1-23 of the duties of a groundwater conservation district by the Texas
 1-24 Commission on Environmental Quality.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter D, Chapter 36, Water Code, is amended
 1-27 by adding Section 36.125 to read as follows:

1-28 Sec. 36.125. PROHIBITION ON CERTAIN RESTRICTIONS. A
 1-29 district may not impose restrictions that reduce the rate or amount
 1-30 of groundwater production from a well that is used wholly or partly
 1-31 for a purpose that is permitted or authorized by the commission
 1-32 while the district is considering whether to renew the operating
 1-33 permit for the well or if the district has issued drought
 1-34 restrictions that would otherwise apply to the well unless the
 1-35 district finds, after a hydrologic evaluation, that failure to
 1-36 impose the restrictions would substantially impair groundwater
 1-37 production from other wells or cause irreparable harm to
 1-38 groundwater resources.

1-39 SECTION 2. Section 36.3011, Water Code, is amended by
 1-40 amending Subsections (b), (d), and (h) and adding Subsections
 1-41 (d-1), (d-2), (d-3), (e-1), (e-2), (e-3), and (e-4) to read as
 1-42 follows:

1-43 (b) An affected person may file a petition with the
 1-44 commission requesting an inquiry for any of the following reasons:

1-45 (1) a district fails to submit its management plan to
 1-46 the executive administrator;

1-47 (2) a district fails to participate in the joint
 1-48 planning process under Section 36.108;

1-49 (3) a district fails to adopt rules;

1-50 (4) a district fails to adopt the applicable desired
 1-51 future conditions adopted by the management area at a joint
 1-52 meeting;

1-53 (5) a district fails to update its management plan
 1-54 before the second anniversary of the adoption of desired future
 1-55 conditions by the management area;

1-56 (6) a district fails to update its rules to implement
 1-57 the applicable desired future conditions before the first
 1-58 anniversary of the date it updated its management plan with the
 1-59 adopted desired future conditions;

1-60 (7) the rules adopted by a district are not designed to

2-1 achieve the adopted desired future conditions;

2-2 (8) the groundwater in the management area is not
2-3 adequately protected by the rules adopted by a district; ~~or~~

2-4 (9) the groundwater in the management area is
2-5 not adequately protected due to the failure of a district to
2-6 enforce substantial compliance with its rules; or

2-7 (10) a district imposes a restriction on groundwater
2-8 production that violates Section 36.125.

2-9 (d) If the petition is not dismissed under Subsection (c),
2-10 the commission shall appoint a review panel consisting of a
2-11 chairperson and four other members. A director or general manager
2-12 of a district located outside the management area that is the
2-13 subject of the petition may be appointed to the review panel. The
2-14 commission may not appoint more than two members of the review panel
2-15 from any one district. The commission also shall appoint a
2-16 disinterested person to serve as a nonvoting recording secretary
2-17 for the review panel. The recording secretary must ~~may~~ be an
2-18 employee of the commission. The recording secretary shall record
2-19 and document the proceedings of the panel.

2-20 (d-1) A review panel established under Subsection (d) is an
2-21 advisory body to the commission and not a governmental body under
2-22 Chapter 551 or 552, Government Code.

2-23 (d-2) The commission shall reimburse a member appointed to
2-24 the review panel for actual expenses incurred while engaging in
2-25 activities on behalf of the review panel. To be eligible for
2-26 reimbursement, the member must file with the executive director a
2-27 verified statement, including any relevant receipts, describing
2-28 the expenses incurred. A member appointed to the review panel is
2-29 not entitled to a fee of office or other compensation for serving on
2-30 the review panel.

2-31 (d-3) The records and documents of the recording secretary
2-32 of the proceedings of the review panel must be provided to the
2-33 executive director and are public information under Chapter 552,
2-34 Government Code.

2-35 (e-1) Not later than the seventh day before the date of a
2-36 public meeting or public hearing of the review panel under
2-37 Subsection (e), the executive director shall provide notice of any
2-38 public meeting or public hearing the review panel is directed to
2-39 conduct by:

2-40 (1) posting notice on the commission's Internet
2-41 website; and

2-42 (2) delivering notice by regular mail to:

2-43 (A) the district that is the subject of the
2-44 petition;

2-45 (B) the petitioner; and

2-46 (C) the county clerk of each county in the
2-47 district that is the subject of the petition.

2-48 (e-2) The commission or the review panel may submit a
2-49 written request to the executive administrator for assistance on a
2-50 technical issue related to the petition. The executive
2-51 administrator shall provide the technical assistance not later than
2-52 the 120th day after the date the executive administrator receives
2-53 the request. A deadline under Subsection (c), (e), or (h) is
2-54 extended by 120 days if a request for technical assistance is
2-55 submitted to the executive administrator during a review phase
2-56 under that subsection.

2-57 (e-3) On request from a member of the review panel, the
2-58 office of public interest counsel of the commission shall provide
2-59 legal advice and assistance to the review panel. Notwithstanding
2-60 Section 5.273, the office of public interest counsel:

2-61 (1) may not participate as a party in an inquiry under
2-62 this section; and

2-63 (2) has no duty or responsibility to represent the
2-64 public interest or otherwise in an inquiry except as provided by
2-65 this subsection.

2-66 (e-4) Subsections (e-2) and (e-3) do not prohibit a member
2-67 of the review panel from using the member's own technical
2-68 consultant or legal counsel.

2-69 (h) Not later than the 45th day after receiving the review

3-1 panel's report under this section, the executive director or the
3-2 commission shall take action to implement any or all of the panel's
3-3 recommendations. The commission may take any action against a
3-4 district it considers necessary in accordance with Section 36.303
3-5 if the commission finds that:

3-6 (1) the district has failed to submit its management
3-7 plan to the executive administrator;

3-8 (2) the district has failed to participate in the
3-9 joint planning process under Section 36.108;

3-10 (3) the district has failed to adopt rules;

3-11 (4) the district has failed to adopt the applicable
3-12 desired future conditions adopted by the management area at a joint
3-13 meeting;

3-14 (5) the district has failed to update its management
3-15 plan before the second anniversary of the adoption of desired
3-16 future conditions by the management area;

3-17 (6) the district has failed to update its rules to
3-18 implement the applicable desired future conditions before the first
3-19 anniversary of the date it updated its management plan with the
3-20 adopted desired future conditions;

3-21 (7) the rules adopted by the district are not designed
3-22 to achieve the desired future conditions adopted by the management
3-23 area during the joint planning process;

3-24 (8) the groundwater in the management area is not
3-25 adequately protected by the rules adopted by the district; ~~or~~

3-26 (9) the groundwater in the management area is not
3-27 adequately protected because of the district's failure to enforce
3-28 substantial compliance with its rules; or

3-29 (10) the district has imposed a restriction on
3-30 groundwater production that violates Section 36.125.

3-31 SECTION 3. The changes in law made by this Act apply to a
3-32 petition requesting an inquiry regarding the duties of a
3-33 groundwater conservation district filed with the Texas Commission
3-34 on Environmental Quality on or after the effective date of this Act.
3-35 A petition filed with the Texas Commission on Environmental Quality
3-36 before the effective date of this Act is governed by the law in
3-37 effect on the date the petition was filed, and the former law is
3-38 continued in effect for that purpose.

3-39 SECTION 4. This Act takes effect immediately if it receives
3-40 a vote of two-thirds of all the members elected to each house, as
3-41 provided by Section 39, Article III, Texas Constitution. If this
3-42 Act does not receive the vote necessary for immediate effect, this
3-43 Act takes effect September 1, 2025.

3-44 * * * * *