

## **BILL ANALYSIS**

C.S.H.B. 2851  
By: Lucio III  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that the consideration of modeled sustained groundwater pumping by groundwater conservation districts in the desired future conditions adoption process will assist districts in the development of these conditions and result in the more sustainable management of aquifers. C.S.H.B. 2851 seeks to address this issue by requiring districts to consider modeled sustained groundwater pumping, if calculated by the executive administrator of the Texas Water Development Board, for each aquifer in the management area before voting on the proposed desired future conditions of the relevant aquifers within the management area.

### **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. 2851 amends the Water Code to require groundwater conservation districts to consider modeled sustained groundwater pumping, if calculated by the executive administrator of the Texas Water Development Board, for each aquifer in the management area before voting on the proposed desired future conditions of the relevant aquifers within the management area. The bill removes the specification that the total estimated recoverable storage for an aquifer considered by a district be the storage as provided by the executive administrator.

C.S.H.B. 2851 prohibits the executive administrator from calculating the modeled sustained groundwater pumping for an aquifer or an aquifer that wholly or partly underlies an aquifer with a recharge rate such that an owner of land that overlies the aquifer qualifies or has previously qualified under federal tax law for a cost depletion deduction for the groundwater withdrawn from the aquifer for irrigation purposes.

C.S.H.B. 2851 defines "modeled sustained groundwater pumping" as the maximum amount of groundwater that the executive administrator, using the best available science, determines may be produced annually in perpetuity from an aquifer.

### **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2851 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute provides for the term "modeled sustained groundwater pumping" whereas the original provided for the term "modeled sustainable groundwater pumping."

The substitute provides for the consideration of the applicable pumping if the pumping is calculated by the executive administrator, whereas the original provided for the consideration of the applicable pumping as provided by the executive administrator. The substitute includes the removal of the specification that the total estimated recoverable storage for an aquifer considered by a district be the storage as provided by the executive administrator, whereas the original did not include this removal.

The substitute differs from the original by changing the aquifers for which the executive administrator is prohibited from calculating the applicable pumping with regard to a landowner qualification for a certain federal cost depletion deduction.