

BILL ANALYSIS

H.B. 2078
By: Gerdes
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 87th Texas Legislature's House Natural Resources Committee's Interim Report made recommendations regarding the tracking and achievement of the desired future condition (DFC) planning goals for aquifers that are developed in the joint planning process, and adopted by groundwater conservation districts. H.B. 2078 seeks to address the issue of how districts demonstrate that their present-day aquifer management activities are on track to achieve the DFCs, which are established for approximately 50 years into the future, by requiring districts to address DFC tracking and achievement in their management plans, to discuss such a plan and achievement at least once each five-year cycle of the joint planning process, to include additional information in the DFC explanatory report regarding changes in DFC from one five-year cycle to another and regarding DFC achievement performance, and to adopt interim values for DFCs at certain intervals within the 50-year joint planning period.

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

H.B. 2078 amends the Water Code to require a groundwater conservation district to include in its management plan an explanation in plain language of how the district is monitoring and tracking the achievement of the district's applicable desired future conditions and how the district has performed in achieving those conditions over the preceding five-year joint planning period.

H.B. 2078, with respect to the annual joint planning of a management area by district representatives and the review of management plans, specifies that such review includes the management plans of each district in the management area and provides that the frequency of such review is not less than once during each applicable five-year planning period. The bill replaces the requirement for the districts, in reviewing management plans, to consider the degree to which each management plan achieves the desired future conditions established during the joint planning process with a requirement that the districts consider in that review the degree to which each district is achieving those established future conditions through the implementation of the district's management plan and rules.

H.B. 2078 includes the following among the required contents of the desired future conditions explanatory report produced by district representatives:

- an explanation in plain language of why a desired future condition adopted for an aquifer was changed if the desired future condition is different from the desired future condition adopted for the aquifer over the preceding five-year joint planning period; and
- a summary of how each district is performing in achieving the desired future conditions.

H.B. 2078 requires the districts and district representatives to do the following:

- adopt desired future conditions for each 50-year planning period identified by the Texas Water Development Board executive administrator for the preparation of state and regional water plans; and
- identify interim values for those adopted conditions for time periods not to exceed 10 years solely to assist the districts in monitoring interim progress in achieving the desired future conditions adopted for the 50-year planning period.

The bill authorizes the districts and district representatives to adopt desired future conditions for other time periods.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.