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H.B. No. 2078

A BILL TO BE ENTITLED

AN ACT

relating to the joint planning of desired future conditions in groundwater management areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 36.1071(e), Water Code, is amended to read as follows:

(e) In the management plan described under Subsection (a), the district shall:

(1) identify the performance standards and management objectives under which the district will operate to achieve the management goals identified under Subsection (a);

(2) specify, in as much detail as possible, the actions, procedures, performance, and avoidance that are or may be necessary to effect the plan, including specifications and proposed rules;

(3) include estimates of the following:

(A) modeled available groundwater in the district based on the desired future condition established under Section 36.108;

(B) the amount of groundwater being used within the district on an annual basis;

(C) the annual amount of recharge from precipitation, if any, to the groundwater resources within the district;

(D) for each aquifer, the annual volume of water that discharges from the aquifer to springs and any surface water bodies, including lakes, streams, and rivers;

(E) the annual volume of flow into and out of the district within each aquifer and between aquifers in the district, if a groundwater availability model is available;

(F) the projected surface water supply in the district according to the most recently adopted state water plan; and

(G) the projected total demand for water in the district according to the most recently adopted state water plan; ~~and~~

(4) consider the water supply needs and water management strategies included in the adopted state water plan; and

(5) include an explanation in plain language of how:

(A) the district is monitoring and tracking the achievement of the desired future conditions established under Section 36.108; and

(B) the district has performed in achieving the desired future conditions established under Section 36.108 over the preceding five-year joint planning period.

SECTION 2. Section 36.108, Water Code, is amended by amending Subsections (c) and (d-3) and adding Subsections (c-1) and (d-1a) to read as follows:

(c) The district representatives shall meet at least annually to conduct joint planning with the other districts in the management area. The representatives shall ~~and to~~ review:

1 (1) ~~[the management plans,~~ the accomplishments of the
2 management area;

3 (2) ~~[, and]~~ proposals to adopt new or amend existing
4 desired future conditions; and

5 (3) not less than once during each five-year period
6 described by Subsection (d), the management plans of each district
7 in the management area.

8 (c-1) In reviewing the management plans under Subsection
9 (c), the districts shall consider:

10 (1) the goals of each management plan and its impact on
11 planning throughout the management area;

12 (2) the effectiveness of the measures established by
13 each district's management plan for conserving and protecting
14 groundwater and preventing waste, and the effectiveness of these
15 measures in the management area generally;

16 (3) any other matters that the boards consider
17 relevant to the protection and conservation of groundwater and the
18 prevention of waste in the management area; and

19 (4) the degree to which each district is achieving
20 ~~[management plan achieves]~~ the desired future conditions
21 established during the joint planning process through the
22 implementation of the district's management plan and rules.

23 (d-1a) The district representatives shall:

24 (1) adopt desired future conditions under this section
25 for each approximately 50-year planning period identified by the
26 executive administrator for the preparation of state and regional
27 water plans; and

1 (2) identify interim values for the desired future
2 conditions adopted under Subdivision (1) for time periods not to
3 exceed 10 years solely to assist the districts in monitoring
4 interim progress in achieving the desired future conditions adopted
5 for the approximately 50-year planning period.

6 (d-3) After each district has submitted to the district
7 representatives the information required under Subsection (d-2)
8 and made the information available for the required period of time
9 under Subsection (d-2a), the district representatives shall
10 reconvene for a joint planning meeting to review the information
11 required under Subsection (d-2), consider any district's suggested
12 revisions to the proposed desired future conditions, receive public
13 comment, and finally adopt the desired future conditions for the
14 management area. The desired future conditions must be approved by
15 a resolution adopted by a two-thirds vote of all the district
16 representatives not later than January 5, 2022. Subsequent desired
17 future conditions must be proposed and finally adopted by the
18 district representatives before the end of each successive
19 five-year period after that date. The district representatives
20 shall produce a desired future conditions explanatory report for
21 the management area and submit to the development board and each
22 district in the management area proof that notice was posted for the
23 joint planning meeting, a copy of the resolution, and a copy of the
24 explanatory report. The report must:

- 25 (1) identify each desired future condition;
- 26 (2) provide the policy and technical justifications
- 27 for each desired future condition;

1 (3) include documentation that the factors under
2 Subsection (d) were considered by the districts and a discussion of
3 how the adopted desired future conditions impact each factor;

4 (4) list other desired future condition options
5 considered, if any, and the reasons why those options were not
6 adopted; ~~and~~

7 (5) discuss reasons why recommendations made by
8 advisory committees and relevant public comments received by the
9 districts during the public comment period or at the joint planning
10 meeting were or were not incorporated into the desired future
11 conditions;

12 (6) include an explanation in plain language of why a
13 desired future condition adopted for an aquifer was changed if the
14 desired future condition is different from the desired future
15 condition adopted for the aquifer over the preceding five-year
16 joint planning period; and

17 (7) include a summary of how each district is
18 performing in achieving the desired future conditions.

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