

By: Gerdes

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;

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

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

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

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

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

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

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

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

22 SECTION 2. Section 36.108, Water Code, is amended by  
23 amending Subsections (c) and (d-3) and adding Subsections (c-1) and  
24 (d-5) to read as follows:

25 (c) The district representatives shall meet at least  
26 annually to conduct joint planning with the other districts in the  
27 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-3) After each district has submitted to the district  
24 representatives the information required under Subsection (d-2)  
25 and made the information available for the required period of time  
26 under Subsection (d-2a), the district representatives shall  
27 reconvene for a joint planning meeting to review the information

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

- 15 (1) identify each desired future condition;
- 16 (2) provide the policy and technical justifications  
17 for each desired future condition;
- 18 (3) include documentation that the factors under  
19 Subsection (d) were considered by the districts and a discussion of  
20 how the adopted desired future conditions impact each factor;
- 21 (4) list other desired future condition options  
22 considered, if any, and the reasons why those options were not  
23 adopted; ~~and~~
- 24 (5) discuss reasons why recommendations made by  
25 advisory committees and relevant public comments received by the  
26 districts during the public comment period or at the joint planning  
27 meeting were or were not incorporated into the desired future

1 conditions;

2 (6) include an explanation in plain language of why a  
3 desired future condition adopted for an aquifer was changed if the  
4 desired future condition is different from the desired future  
5 condition adopted for the aquifer over the preceding five-year  
6 joint planning period; and

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

9 (d-5) The districts and district representatives:

10 (1) shall adopt desired future conditions under this  
11 section for each 50-year planning period identified by the  
12 executive administrator for the preparation of state and regional  
13 water plans;

14 (2) shall identify interim values for the desired  
15 future conditions adopted under Subdivision (1) for time periods  
16 not to exceed 10 years solely to assist the districts in monitoring  
17 interim progress in achieving the desired future conditions adopted  
18 for the 50-year planning period; and

19 (3) may adopt desired future conditions under this  
20 section for other time periods.

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