

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				
1-8		Yea	Nay	Absent	PNV
1-9	Perry	X			
1-10	Hancock	X			
1-11	Birdwell			X	
1-12	Blanco	X			
1-13	Gutierrez	X			
1-14	Hinojosa of Nueces	X			
1-15	Johnson		X		
1-16	Kolkhorst	X			
1-17	Sparks	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

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

(1) the district has failed to submit its management plan to the executive administrator;

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

(3) the district has failed to adopt rules;

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

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

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

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

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

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

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

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

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

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