

**SENATE AMENDMENTS**  
**2<sup>nd</sup> Printing**

By: Gerdes, Isaac

H.B. No. 2080

A BILL TO BE ENTITLED

AN ACT

relating to the review of the duties of a groundwater conservation district by the Texas Commission on Environmental Quality.

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

SECTION 1. Section 36.3011, Water Code, is amended by amending Subsection (d) and adding Subsections (d-1), (d-2), (d-3), (e-1), (e-2), (e-3), and (e-4) to read as follows:

(d) If the petition is not dismissed under Subsection (c), the commission shall appoint a review panel consisting of a chairperson and four other members. A director or general manager of a district located outside the management area that is the subject of the petition may be appointed to the review panel. The commission may not appoint more than two members of the review panel from any one district. The commission also shall appoint a disinterested person to serve as a nonvoting recording secretary for the review panel. The recording secretary must ~~may~~ be an employee of the commission. The recording secretary shall record and document the proceedings of the panel.

(d-1) A review panel established under Subsection (d) is an advisory body to the commission and not a governmental body under Chapter 551 or 552, Government Code.

(d-2) The commission shall reimburse a member appointed to the review panel for actual expenses incurred while engaging in activities on behalf of the review panel. To be eligible for

1 reimbursement, the member must file with the executive director a  
2 verified statement, including any relevant receipts, describing  
3 the expenses incurred. A member appointed to the review panel is  
4 not entitled to a fee of office or other compensation for serving on  
5 the review panel.

6 (d-3) The records and documents of the recording secretary  
7 of the proceedings of the review panel must be provided to the  
8 executive director and are public information under Chapter 552,  
9 Government Code.

10 (e-1) Not later than the seventh day before the date of a  
11 public meeting or public hearing of the review panel under  
12 Subsection (e), the executive director shall provide notice of any  
13 public meeting or public hearing the review panel is directed to  
14 conduct by:

15 (1) posting notice on the commission's Internet  
16 website; and

17 (2) delivering notice by regular mail to:

18 (A) the district that is the subject of the  
19 petition;

20 (B) the petitioner; and

21 (C) the county clerk of each county in the  
22 district that is the subject of the petition.

23 (e-2) The commission or the review panel may submit a  
24 written request to the executive administrator for assistance on a  
25 technical issue related to the petition. The executive  
26 administrator shall provide the technical assistance not later than  
27 the 120th day after the date the executive administrator receives

1 the request. A deadline under Subsection (c), (e), or (h) is  
2 extended by 120 days if a request for technical assistance is  
3 submitted to the executive administrator during a review phase  
4 under that subsection.

5 (e-3) On request from a member of the review panel, the  
6 office of public interest counsel of the commission shall provide  
7 legal advice and assistance to the review panel. Notwithstanding  
8 Section 5.273, the office of public interest counsel:

9 (1) may not participate as a party in an inquiry under  
10 this section; and

11 (2) has no duty or responsibility to represent the  
12 public interest or otherwise in an inquiry except as provided by  
13 this subsection.

14 (e-4) Subsections (e-2) and (e-3) do not prohibit a member  
15 of the review panel from using the member's own technical  
16 consultant or legal counsel.

17 SECTION 2. The changes in law made by this Act apply to a  
18 petition requesting an inquiry regarding the duties of a  
19 groundwater conservation district filed with the Texas Commission  
20 on Environmental Quality on or after the effective date of this Act.  
21 A petition filed with the Texas Commission on Environmental Quality  
22 before the effective date of this Act is governed by the law in  
23 effect on the date the petition was filed, and the former law is  
24 continued in effect for that purpose.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 2080

1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2025.

ADOPTED

MAY 26 2025

Latey Law  
Secretary of the Senate

By: Charles Perry

H.B. No. 2080

Substitute the following for H.B. No. 2080:

By: Charles Perry

C.S. H.B. No. 2080

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a groundwater conservation district to regulate groundwater withdrawals from certain wells and the review of the duties of a groundwater conservation district by the Texas Commission on Environmental Quality.

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

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.125 to read as follows:

Sec. 36.125. PROHIBITION ON CERTAIN RESTRICTIONS. A district may not impose restrictions that reduce the rate or amount of groundwater production from a well that is used wholly or partly for a purpose that is permitted or authorized by the commission while the district is considering whether to renew the operating permit for the well or if the district has issued drought restrictions that would otherwise apply to the well unless the district finds, after a hydrologic evaluation, that failure to impose the restrictions would substantially impair groundwater production from other wells or cause irreparable harm to groundwater resources.

SECTION 2. Section 36.3011, Water Code, is amended by amending Subsections (b), (d), and (h) and adding Subsections (d-1), (d-2), (d-3), (e-1), (e-2), (e-3), and (e-4) to read as follows:

(b) An affected person may file a petition with the

1 commission requesting an inquiry for any of the following reasons:

2 (1) a district fails to submit its management plan to  
3 the executive administrator;

4 (2) a district fails to participate in the joint  
5 planning process under Section 36.108;

6 (3) a district fails to adopt rules;

7 (4) a district fails to adopt the applicable desired  
8 future conditions adopted by the management area at a joint  
9 meeting;

10 (5) a district fails to update its management plan  
11 before the second anniversary of the adoption of desired future  
12 conditions by the management area;

13 (6) a district fails to update its rules to implement  
14 the applicable desired future conditions before the first  
15 anniversary of the date it updated its management plan with the  
16 adopted desired future conditions;

17 (7) the rules adopted by a district are not designed to  
18 achieve the adopted desired future conditions;

19 (8) the groundwater in the management area is not  
20 adequately protected by the rules adopted by a district; ~~[or]~~

21 (9) the groundwater in the management area is  
22 not adequately protected due to the failure of a district to  
23 enforce substantial compliance with its rules; or

24 (10) a district imposes a restriction on groundwater  
25 production that violates Section 36.125.

26 (d) If the petition is not dismissed under Subsection (c),  
27 the commission shall appoint a review panel consisting of a

1 chairperson and four other members. A director or general manager  
2 of a district located outside the management area that is the  
3 subject of the petition may be appointed to the review panel. The  
4 commission may not appoint more than two members of the review panel  
5 from any one district. The commission also shall appoint a  
6 disinterested person to serve as a nonvoting recording secretary  
7 for the review panel. The recording secretary must ~~may~~ be an  
8 employee of the commission. The recording secretary shall record  
9 and document the proceedings of the panel.

10 (d-1) A review panel established under Subsection (d) is an  
11 advisory body to the commission and not a governmental body under  
12 Chapter 551 or 552, Government Code.

13 (d-2) The commission shall reimburse a member appointed to  
14 the review panel for actual expenses incurred while engaging in  
15 activities on behalf of the review panel. To be eligible for  
16 reimbursement, the member must file with the executive director a  
17 verified statement, including any relevant receipts, describing  
18 the expenses incurred. A member appointed to the review panel is  
19 not entitled to a fee of office or other compensation for serving on  
20 the review panel.

21 (d-3) The records and documents of the recording secretary  
22 of the proceedings of the review panel must be provided to the  
23 executive director and are public information under Chapter 552,  
24 Government Code.

25 (e-1) Not later than the seventh day before the date of a  
26 public meeting or public hearing of the review panel under  
27 Subsection (e), the executive director shall provide notice of any

1 public meeting or public hearing the review panel is directed to  
2 conduct by:

3 (1) posting notice on the commission's Internet  
4 website; and

5 (2) delivering notice by regular mail to:

6 (A) the district that is the subject of the  
7 petition;

8 (B) the petitioner; and

9 (C) the county clerk of each county in the  
10 district that is the subject of the petition.

11 (e-2) The commission or the review panel may submit a  
12 written request to the executive administrator for assistance on a  
13 technical issue related to the petition. The executive  
14 administrator shall provide the technical assistance not later than  
15 the 120th day after the date the executive administrator receives  
16 the request. A deadline under Subsection (c), (e), or (h) is  
17 extended by 120 days if a request for technical assistance is  
18 submitted to the executive administrator during a review phase  
19 under that subsection.

20 (e-3) On request from a member of the review panel, the  
21 office of public interest counsel of the commission shall provide  
22 legal advice and assistance to the review panel. Notwithstanding  
23 Section 5.273, the office of public interest counsel:

24 (1) may not participate as a party in an inquiry under  
25 this section; and

26 (2) has no duty or responsibility to represent the  
27 public interest or otherwise in an inquiry except as provided by

1 this subsection.

2 (e-4) Subsections (e-2) and (e-3) do not prohibit a member  
3 of the review panel from using the member's own technical  
4 consultant or legal counsel.

5 (h) Not later than the 45th day after receiving the review  
6 panel's report under this section, the executive director or the  
7 commission shall take action to implement any or all of the panel's  
8 recommendations. The commission may take any action against a  
9 district it considers necessary in accordance with Section 36.303  
10 if the commission finds that:

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

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

15 (3) the district has failed to adopt rules;

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

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

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

26 (7) the rules adopted by the district are not designed  
27 to achieve the desired future conditions adopted by the management

1 area during the joint planning process;

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

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

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

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

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

# ADOPTED

MAY 26 2025

*Lately Law*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Charles Bur*

1 Amend C.S.H.B. No. 2080 (senate committee report) as  
2 follows:

3 (1) Strike SECTION 1 of the bill, adding Section 36.125,  
4 Water Code (page 1, lines 26 through 38).

5 (2) Strike the recital to SECTION 2 of the bill, amending  
6 Section 36.3011, Water Code (page 1, lines 39 through 42), and  
7 substitute the following appropriately numbered SECTION recital:

8 SECTION \_\_\_\_\_. Section 36.3011, Water Code, is amended by  
9 amending Subsection (d) and adding Subsections (d-1), (d-2), (d-3),  
10 (e-1), (e-2), (e-3), and (e-4) to read as follows:

11 (3) Strike amended Section 36.3011(b), Water Code (page 1,  
12 line 43, through page 2, line 8).

13 (4) Strike amended Section 36.3011(h), Water Code (page 2,  
14 line 69, through page 3, line 30).

15 (5) Renumber the SECTIONS of the bill accordingly.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 27, 2025**

**TO:** Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2080** by Gerdes (Relating to the authority of a groundwater conservation district to regulate groundwater withdrawals from certain wells and the review of the duties of a groundwater conservation district by the Texas Commission on Environmental Quality.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 313 Department of Information Resources, 582 Commission on Environmental Quality

**LBB Staff:** JMc, FV, AJL, TUF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 23, 2025**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture and Rural Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2080** by Gerdes (relating to the authority of a groundwater conservation district to regulate groundwater withdrawals from certain wells and the review of the duties of a groundwater conservation district by the Texas Commission on Environmental Quality.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 313 Department of Information Resources, 582 Commission on Environmental Quality

**LBB Staff:** JMc, FV, AJL, TUF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 22, 2025**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture and Rural Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2080** by Gerdes (Relating to the review of the duties of a groundwater conservation district by the Texas Commission on Environmental Quality.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 313 Department of Information Resources, 582 Commission on Environmental Quality

**LBB Staff:** JMc, FV, TUF, AJL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**April 29, 2025**

**TO:** Honorable Cody Harris, Chair, House Committee on Natural Resources

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2080** by Gerdes (Relating to the review of the duties of a groundwater conservation district by the Texas Commission on Environmental Quality.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 313 Department of Information Resources, 582 Commission on Environmental Quality

**LBB Staff:** JMc, TUf, AJL