

1-1 By: Ashby, et al. (Senate Sponsor - Springer) H.B. No. 1971
 1-2 (In the Senate - Received from the House April 26, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 12, 2023, reported favorably by
 1-5 the following vote: Yeas 8, Nays 0; May 12, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the procedures for acting on a permit or permit
 1-20 amendment application by a groundwater conservation district and
 1-21 the disqualification of board members of groundwater conservation
 1-22 districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 36.053, Water Code, is amended to read as
 1-25 follows:

1-26 Sec. 36.053. QUORUM. (a) Except as provided by Subsection
 1-27 (b), a [A] majority of the membership of the board constitutes a
 1-28 quorum for any meeting, and a concurrence of a majority of the
 1-29 entire membership of the board is sufficient for transacting any
 1-30 business of the district.

1-31 (b) For the purposes of making a final decision on a permit
 1-32 or permit amendment application by a board composed of 10 or more
 1-33 directors, a concurrence of a majority of the directors eligible to
 1-34 vote is sufficient for taking an action on the application.

1-35 SECTION 2. Section 36.058, Water Code, is amended to read as
 1-36 follows:

1-37 Sec. 36.058. CONFLICTS OF INTEREST. (a) A director of a
 1-38 district is subject to the provisions of Chapters 171 and 176, Local
 1-39 Government Code, relating to the regulation of conflicts of
 1-40 officers of local governments.

1-41 (b) If a director is required to file an affidavit under
 1-42 Section 171.004(a), Local Government Code, the director may not:

1-43 (1) attend a closed meeting related to the matter for
 1-44 which the director is required to file the affidavit; and

1-45 (2) vote on a matter for which the director is required
 1-46 to file the affidavit unless a majority of the directors are also
 1-47 required to file an affidavit related to a similar interest on the
 1-48 same official action.

1-49 SECTION 3. Section 36.409, Water Code, is amended to read as
 1-50 follows:

1-51 Sec. 36.409. CONTINUANCE. (a) The presiding officer may
 1-52 continue a hearing from time to time and from place to place without
 1-53 providing notice under Section 36.404.

1-54 (b) If the presiding officer continues a hearing without
 1-55 announcing at the hearing the time, date, and location of the
 1-56 continued hearing, the presiding officer must provide notice of the
 1-57 continued hearing by regular mail to the parties.

1-58 (c) A continuance may not exceed the time limit for the
 1-59 issuance of a final decision under Section 36.4165.

1-60 SECTION 4. Section 36.411, Water Code, is amended to read as
 1-61 follows:

2-1 Sec. 36.411. BOARD ACTION. (a) The board shall act on a
2-2 permit or permit amendment application not later than the 60th day
2-3 after the date the final hearing on the application is concluded.

2-4 (b) The board shall ensure a decision on a permit or permit
2-5 amendment application is timely rendered in accordance with the
2-6 provisions set forth in this chapter.

2-7 SECTION 5. The heading to Section 36.412, Water Code, is
2-8 amended to read as follows:

2-9 Sec. 36.412. REQUEST FOR REHEARING OR FINDINGS OF FACT AND
2-10 CONCLUSIONS OF LAW.

2-11 SECTION 6. Section 36.412, Water Code, is amended by
2-12 amending Subsections (a) and (b) and adding Subsections (a-1),
2-13 (b-1), and (f) to read as follows:

2-14 (a) An applicant in a contested or uncontested hearing on an
2-15 application or a party to a contested hearing may administratively
2-16 appeal a decision of the board on a permit or permit amendment
2-17 application by making a request in writing to the board.

2-18 (a-1) A party seeking to appeal a decision by the board must
2-19 request [by requesting] written findings of fact and conclusions of
2-20 law not later than the 20th day after the date of the board's
2-21 decision unless the board issued findings of fact and conclusions
2-22 of law as part of the final decision.

2-23 (b) On receipt of a timely written request under Subsection
2-24 (a-1), the board shall make written findings of fact and
2-25 conclusions of law regarding a decision of the board on a permit or
2-26 permit amendment application. The board shall provide certified
2-27 copies of the findings of fact and conclusions of law to the person
2-28 who requested them, and to each designated party, not later than the
2-29 35th day after the date the board receives the request.

2-30 (b-1) A party to a contested hearing may request a rehearing
2-31 not later than the 20th day after the date the board issues the
2-32 findings of fact and conclusions of law.

2-33 (f) The board shall consolidate requests for rehearing
2-34 filed by multiple parties to the contested case hearing, but only
2-35 one rehearing may be considered per matter.

2-36 SECTION 7. Section 36.4165, Water Code, is amended by
2-37 adding Subsections (c), (d), (e), (f), and (g) to read as follows:

2-38 (c) A final decision issued by the board under this section
2-39 must be in writing and must either adopt the proposed findings of
2-40 fact and conclusions of law as proposed by the administrative law
2-41 judge or include revised findings of fact and conclusions of law
2-42 consistent with Subsection (b).

2-43 (d) Notwithstanding any other law, a board shall issue a
2-44 final decision under this section not later than the 180th day after
2-45 the date of receipt of the final proposal for decision from the
2-46 State Office of Administrative Hearings. The deadline may be
2-47 extended if all parties agree to the extension.

2-48 (e) Notwithstanding any other law, if a motion for rehearing
2-49 is filed and granted by a board under Section 36.412, the board
2-50 shall make a final decision on the application not later than the
2-51 90th day after the date of the decision by the board that was
2-52 subject to the motion for rehearing.

2-53 (f) A board is considered to have adopted a final proposal
2-54 for decision of the administrative law judge as a final order on the
2-55 181st day after the date the administrative law judge issued the
2-56 final proposal for decision if the board has not issued a final
2-57 decision by:

2-58 (1) adopting the findings of fact and conclusions of
2-59 law as proposed by the administrative law judge; or

2-60 (2) issuing revised findings of fact and conclusions
2-61 of law as provided by Subsection (b).

2-62 (g) A proposal for decision adopted under Subsection (f) is
2-63 final, immediately appealable, and not subject to a request for
2-64 rehearing.

2-65 SECTION 8. The changes in law made by this Act apply to an
2-66 application for a permit or permit amendment submitted on or after
2-67 the effective date of this Act. An application for a permit or
2-68 permit amendment submitted before the effective date of this Act is
2-69 governed by the law in effect at the time the application was

3-1 submitted, and the former law is continued in effect for that
3-2 purpose.

3-3 SECTION 9. This Act takes effect immediately if it receives
3-4 a vote of two-thirds of all the members elected to each house, as
3-5 provided by Section 39, Article III, Texas Constitution. If this
3-6 Act does not receive the vote necessary for immediate effect, this
3-7 Act takes effect September 1, 2023.

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