

Amend CSSB 738 (committee printing) as follows:

(1) In SECTION 1 of the bill, in the introductory language (page 1, line 14), strike ", (e), and (f)" and substitute "through (i)".

(2) In SECTION 1 of the bill, in added Subsection (d), Section 36.101, Water Code (page 1, line 27), strike "and".

(3) In SECTION 1 of the bill, in added Subsection (d), Section 36.101, Water Code (page 1, line 30), strike the period and substitute "; and".

(4) In SECTION 1 of the bill, in added Subsection (d), Section 36.101, Water Code (page 1, between lines 30 and 31), insert the following:

(4) provide notice by mail, facsimile, or electronic mail to any person who has submitted a written request for notice of a rulemaking hearing.

(5) In SECTION 1 of the bill, in amended Section 36.101, Water Code (page 1, between lines 41 and 42), insert the following:

(g) The presiding officer shall prepare and keep a record of each rulemaking hearing in the form of an audio or video recording or a court reporter transcription. On the request of any party, the hearing shall be transcribed by a court reporter. The presiding officer may assess any costs associated with the court reporter transcription against the party requesting the transcription or among the parties to the hearing at the discretion of the presiding officer. The presiding officer may exclude a party from further participation in a hearing for failure to pay in a timely manner any costs associated with a court reporter transcription that were assessed against that party.

(h) A person may submit to the district a written request for notice of a rulemaking hearing. A written request for notice of a rulemaking hearing is effective for one year from the date the request is received by the district. To receive notice of a hearing after a request expires, a person must submit a new request.

(i) Failure to provide notice under Subsection (d)(4) does not invalidate any action taken by the district at the hearing.

(6) In SECTION 2 of the bill, in amended Subsection (a), Section 36.113, Water Code (page 1, line 45), between "equipping,"

and "or", insert "operating,".

(7) In SECTION 2 of the bill, in amended Subsection (a), Section 36.113, Water Code (page 1, line 50), immediately following the period, insert: "A district may not require a permit or a permit amendment for maintenance or repair of a well if the maintenance or repair does not increase the production capabilities of the well to more than its authorized or permitted production rates."

(8) In SECTION 4 of the bill, in proposed Section 36.404, Water Code (page 3, lines 54-57), strike Subsection (c)(3) and substitute the following:

(3) provide notice by:

(A) regular mail to the applicant;

(B) regular mail, facsimile, or electronic mail to any person who has submitted a written request for notice of the hearing; and

(C) regular mail to any other person entitled to receive notice under the rules of the district.

(d) A person may submit to the district a written request for notice of a hearing on a permit or permit amendment application. A written request for notice of a hearing is effective for one year from the date the request is received by the district. To receive notice of a hearing after a request expires, a person must submit a new request.

(e) Failure to provide notice under Subsection (c)(3)(B) does not invalidate any action taken by the district at the hearing.

(9) In SECTION 4 of the bill, in proposed Section 36.405, Water Code (page 3, line 59), strike "attends" and substitute "participates in".

(10) In SECTION 4 of the bill, in proposed Section 36.405, Water Code (page 3, line 62), after the semicolon, insert "and".

(11) In SECTION 4 of the bill, in proposed Section 36.405, Water Code (page 3, line 64), strike "; and". and substitute ".".

(12) In SECTION 4 of the bill, in proposed Section 36.405, Water Code (page 3, line 65), strike Subdivision (4).

(13) In SECTION 4 of the bill, strike proposed Section 36.408, Water Code (page 4, lines 51-57), and substitute the

following:

Sec. 36.408. RECORDING. (a) Except as provided by Subsection (b), the presiding officer shall prepare and keep a record of each hearing in the form of minutes, audio or video recording, or court reporter transcription. On the request of any party to a contested hearing, the hearing shall be transcribed by a court reporter. The presiding officer may assess costs associated with the court reporter transcription against the party requesting the transcription or among the parties to the hearing at the presiding officer's discretion. The presiding officer may exclude a party from further participation in a hearing for failure to pay in a timely manner any costs associated with a court reporter transcription that were assessed against that party.

(b) If a hearing is uncontested, the presiding officer may substitute the report required under Section 36.410 for a method of recording the hearing described by Subsection (a).

(14) In SECTION 4 of the bill, in proposed Section 36.413, Water Code (page 5, line 33), between "FINAL." and "A", insert "(a)".

(15) In SECTION 4 of the bill, in proposed Section 36.413, Water Code, immediately following Subdivision (2) (page 5, between lines 43 and 44), insert the following:

(b) A decision by the board on a permit or permit amendment application is appealable if the decision is final under Subsection (a)(2).

(16) In SECTION 6 of the bill (page 6, line 1), between "law" and "in effect", insert "related to notice and hearings".