

By: Larson

H.B. No. 4164

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for adopting a moratorium on the issuance of permits by groundwater conservation districts.

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

SECTION 1. Chapter 36, Water Code, is amended by adding Subchapter M-1 to read as follows:

SUBCHAPTER M-1. MORATORIUM ON ISSUING PERMIT

Sec. 36.426. PROCEDURE FOR ADOPTING MORATORIUM. A district may not adopt a moratorium on the issuance of a permit or permit amendment unless the district:

(1) complies with the notice and hearing procedures prescribed by Section 36.427; and

(2) makes written findings supporting the district's determination regarding the issuance, including the district's justification for imposing the moratorium, if applicable.

Sec. 36.427. NOTICE AND PUBLIC HEARING REQUIREMENTS. (a) A district may impose a moratorium on the issuance of a permit or permit amendment only after the district conducts a public hearing as provided by this section. The public hearing must provide residents of the district and other affected parties an opportunity to be heard.

(b) The district shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the district on the fourth day before the date of the hearing.

1       (c) During the period beginning on the fifth business day  
2 after the date a notice is published under Subsection (b) and ending  
3 on the date the district makes its determination under Subsection  
4 (d), a temporary moratorium is imposed. During that period, a  
5 district may stop issuing permits or permit amendments.

6       (d) Not later than the 12th day after the date of the public  
7 hearing, the district shall make a final determination on whether  
8 to impose the moratorium and shall issue written findings  
9 supporting the district's determination, including the district's  
10 justification for imposing the moratorium, if applicable.

11       Sec. 36.428. EXPIRATION OF MORATORIUM; EXTENSION  
12 PROHIBITED. A moratorium imposed under this subchapter expires on  
13 the 90th day after the date the district makes its determination  
14 under Section 36.427(d) to impose the moratorium. The district may  
15 not extend a moratorium imposed under this subchapter.

16       SECTION 2. A moratorium on the issuance of a permit or  
17 permit amendment that is adopted by a groundwater conservation  
18 district before September 1, 2017, may not continue in effect later  
19 than November 30, 2017.

20       SECTION 3. This Act takes effect September 1, 2017.