

BILL ANALYSIS

C.S.H.B. 2123
By: Harris
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that groundwater conservation districts should be treated in a manner similar to other local political bodies with elected officials when it comes to a constituent's right to petition for changes. C.S.H.B. 2123 seeks to address this issue by authorizing a person with groundwater ownership and rights to petition an applicable groundwater conservation district to adopt or modify rules.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2123 amends the Water Code to authorize a person with groundwater ownership and rights to petition the groundwater conservation district where the property that gives rise to the ownership and rights is located to adopt a rule or modify an adopted rule. The bill sets out the required contents of such a petition and provides for related notice requirements. The bill authorizes the district to consider the petition at a public hearing or a regularly scheduled board meeting and requires the district to grant or deny the petition not later than the 90th day after the date the district received the petition. The bill requires the district, after such a hearing or board meeting, to grant or deny the petition and authorizes the district to grant or deny the petition wholly or partly. The bill requires the district to provide an explanation for the action the district takes on the petition. The bill requires a district, as soon as practicable after a petition or a portion of a petition is granted, to engage in rulemaking consistent with the granted petition or the granted portion of the petition.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2123 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the method by which the district considers the petition from consideration in the manner of a certain rulemaking hearing to consideration at a public hearing or regularly scheduled board meeting. The substitute includes a requirement for the district to grant or deny the petition not later than the 90th day after the date the district received the petition. The substitute does not include a provision establishing that a decision on a petition is final and appealable.