

By: Perry

S.B. No. 2027

A BILL TO BE ENTITLED

AN ACT

relating to the standard of judicial review for a suit involving a groundwater conservation district.

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

SECTION 1. Section 36.10835(a), Water Code, is amended to read as follows:

(a) A final district order issued under Section 36.1083 may be appealed to a district court with jurisdiction over any part of the territory of the district that issued the order. An appeal under this subsection must be filed with the district court not later than the 45th day after the date the district issues the final order. The case shall be decided under the trial de novo ~~[substantial evidence]~~ standard of review in accordance with Section 2001.173 ~~[as provided by Section 2001.174]~~, Government Code. If the court finds that a desired future condition is unreasonable, the court shall strike the desired future condition and order the districts in the same management area as the district that received the petition to reconvene not later than the 60th day after the date of the court order in a joint planning meeting for the purpose of revising the desired future condition. The districts in the management area shall follow the procedures in Section 36.108 to adopt new desired future conditions applicable to the district that received the petition.

SECTION 2. Section 36.253, Water Code, is amended to read as

1 follows:

2 Sec. 36.253. TRIAL OF SUIT. The burden of proof is on the
3 petitioner, and the challenged law, rule, order, or act shall be
4 deemed prima facie valid. The review on appeal is by trial de novo
5 in accordance with Section 2001.173 [~~governed by the substantial~~
6 ~~evidence rule as defined by Section 2001.174~~], Government Code.

7 SECTION 3. The changes in law made by this Act apply only to
8 a suit involving a groundwater conservation district that is filed
9 on or after the effective date of this Act. A suit filed before the
10 effective date of this Act is subject to the law in effect on the
11 date the suit is filed, and that law is continued in effect for that
12 purpose.

13 SECTION 4. This Act takes effect September 1, 2019.