

By: King of Uvalde

H.B. No. 3972

A BILL TO BE ENTITLED

AN ACT

relating to a person obtaining a surety bond before filing a suit against a groundwater conservation district.

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

SECTION 1. Subchapter H, Chapter 36, Water Code, is amended by adding Section 36.2515 to read as follows:

Sec. 36.2515. SURETY BOND REQUIRED. (a) A person shall obtain a surety bond before filing a suit under Section 36.251. The surety bond must cover all legal costs associated with the suit, including:

(1) costs that may be incurred by the district and applicant; and

(2) the cost of a hearing before the State Office of Administrative Hearings if requested.

(b) The bond shall be filed with the clerk of the district court in which the suit is filed pursuant to Section 36.251.

(c) If appeal is taken from a decision of the district court affirming the district's decision to issue the permit, the person bringing that appeal shall increase the amount of the bond to cover the following additional costs:

(1) the actual costs incurred by the district and the applicant in the district court; and

(2) the estimated costs that may be incurred by the district and the applicant if appeal is taken:

1 (i) to the court of appeals, and

2 (ii) to the supreme court

3 (d) If on appeal, the person challenging the issuance of the
4 permit prevails in the final decision, the district court clerk
5 shall return the bond to the person posting it upon receipt of an
6 order from the court authorizing its release.

7 SECTION 2. The changes in law made by this Act apply only to
8 a suit against a groundwater conservation district that is filed on
9 or after the effective date of this Act. A suit against a
10 groundwater conservation district that is filed before the
11 effective date of this Act is governed by the law in effect on the
12 date the suit is filed, and that law is continued in effect for that
13 purpose.

14 SECTION 3. This Act takes effect September 1, 2021.