

BILL ANALYSIS

C.S.H.B. 5302
By: Kacal
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The House Committee on Natural Resources interim report recommended making clarifications and improvements to petitions and processes for inquiries of groundwater conservation districts before the Texas Commission on Environmental Quality (TCEQ). C.S.H.B. 5302 seeks to address issues that have been identified by groundwater stakeholders that have participated in that process by addressing the TCEQ groundwater conservation district review process.

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. 5302 amends the Water Code to require the nonvoting recording secretary appointed as part of a review panel for a petition for inquiry of a groundwater conservation district to be an employee of the Texas Commission on Environmental Quality (TCEQ). The bill establishes the following with respect to such a review panel:

- a review panel member is not entitled to a fee of office or other compensation for serving on the review panel, but the TCEQ must reimburse a member for actual expenses incurred while engaging in activities on behalf of the review panel;
- to be eligible for reimbursement the member must file with the executive director of the TCEQ a verified statement describing the expenses incurred including any relevant receipts;
- the review panel is an advisory body to the TCEQ and not a governmental body for purposes of state open meetings and public information laws;
- the records and documents of the review panel's recording secretary must be provided to the executive director and are public information for purposes of state public information law; and
- the executive director must provide notice of any public meeting or public hearing that the panel is directed to conduct not later than the seventh day before the date of the meeting or hearing by posting notice on the TCEQ website and by providing notice by regular mail to the district that is the subject of the petition, the petitioner, and the county clerk of each county in the district that is the subject of the petition.

C.S.H.B. 5302 authorizes the TCEQ or the review panel to submit a written request for assistance on technical issues related to the petition to the executive administrator of the Texas Water Development Board (TWDB) and requires the executive administrator to provide the

technical assistance not later than the 120th day after the date the request is received. The bill extends certain deadlines regarding actions of the TCEQ, the executive director of the TCEQ, or a review panel by 120 days if a request for technical assistance is submitted to the executive administrator of the TWDB during that phase of the petition review. The bill requires the office of public interest counsel to provide legal advice and assistance to the review panel on request from a member of the panel, but prohibits the counsel from otherwise participating as a party in an inquiry and establishes that the counsel has no duty or responsibility to represent the public interest or otherwise in such an inquiry. The bill applies to a petition requesting an inquiry regarding the duties of a groundwater conservation district filed with the TCEQ on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5302 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision not in the introduced making the bill applicable only to a petition requesting an inquiry regarding the duties of a groundwater conservation district filed with the TCEQ on or after the bill's effective date.