

By: Kacal

H.B. No. 5302

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the review of the duties of a groundwater conservation
3 district by the Texas Commission on Environmental Quality.

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

5 SECTION 1. Section 36.3011, Water Code, is amended by
6 amending Subsection (d) and adding Subsections (d-1), (d-2), (d-3),
7 (e-1), (e-2), and (e-3) to read as follows:

8 (d) If the petition is not dismissed under Subsection (c),
9 the commission shall appoint a review panel consisting of a
10 chairperson and four other members. A director or general manager
11 of a district located outside the management area that is the
12 subject of the petition may be appointed to the review panel. The
13 commission may not appoint more than two members of the review panel
14 from any one district. The commission also shall appoint a
15 disinterested person to serve as a nonvoting recording secretary
16 for the review panel. The recording secretary shall ~~may~~ be an
17 employee of the commission. The recording secretary shall record
18 and document the proceedings of the panel.

19 (d-1) A review panel established under Subsection (d) is an
20 advisory body to the commission and not a governmental body under
21 Chapter 551 or 552, Government Code.

22 (d-2) The commission shall reimburse a member appointed to
23 the review panel for actual expenses incurred while engaging in
24 activities on behalf of the review panel. To be eligible for

1 reimbursement, the member must file with the executive director a
2 verified statement, including any relevant receipts, describing
3 the expenses incurred. A member appointed to the review panel is
4 not entitled to a fee of office or other compensation for serving on
5 the review panel.

6 (d-3) The records and documents of the recording secretary
7 of the proceedings of the review panel must be provided to the
8 executive director and are public information under Chapter 552,
9 Government Code.

10 (e-1) Not later than the seventh day before the date of a
11 public meeting or public hearing of the review panel under
12 Subsection (e), the executive director shall provide notice of any
13 public meeting or public hearing the review panel is directed to
14 conduct by:

15 (1) posting notice on the commission's Internet
16 website; and

17 (2) regular mail to:

18 (A) the district that is the subject of the
19 petition;

20 (B) the petitioner; and

21 (C) the county clerk of each county in the
22 district that is the subject of the petition.

23 (e-2) The commission or the review panel may submit a
24 written request to the executive administrator for assistance on a
25 technical issue related to the petition. The executive
26 administrator shall provide the technical assistance not later than
27 the 120th day after the date the executive administrator receives

1 the request. A deadline under Subsection (c), (e), or (h) is
2 extended by 120 days if a request for technical assistance is
3 submitted to the executive administrator during a review phase
4 under that subsection.

5 (e-3) On request from a member of the review panel, the
6 office of public interest counsel of the commission shall provide
7 legal advice and assistance to the review panel. Notwithstanding
8 Section 5.273, the office of public interest counsel:

9 (1) may not participate as a party in an inquiry under
10 this section; and

11 (2) has no duty or responsibility to represent the
12 public interest or otherwise in an inquiry except as provided by
13 this subsection.

14 SECTION 2. The changes in law made by this Act apply to a
15 petition requesting an inquiry regarding the duties of a
16 groundwater conservation district filed with the Texas Commission
17 on Environmental Quality on or after the effective date of this Act.
18 A petition filed with the Texas Commission on Environmental Quality
19 before the effective date of this Act is governed by the law in
20 effect on the date the petition was filed, and the former law is
21 continued in effect for that purpose.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2023.