

By: Kacal

H.B. No. 5302

A BILL TO BE ENTITLED

AN ACT

relating to a petition for inquiry of a groundwater conservation district before the Texas Commission on Environmental Quality.

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

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

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

(d-1) A member of the review panel is not entitled to a fee of office or other compensation for serving on the review panel, but is entitled to receive from the commission reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the review panel. In order to receive reimbursement for expenses, each review panel member shall file with the executive director a verified statement describing the

1 expenses incurred and including any relevant receipts.

2 (d-2) The review panel serves only in an advisory role to
3 the commission. The review panel is not a governmental body under
4 Chapters 551 or 552, Government Code. The records and documents of
5 the recording secretary of the proceedings of the review panel
6 prepared under Subsection (d) shall be provided to the executive
7 director and are public information under Chapter 552, Government
8 Code. The executive director shall provide notice of any public
9 meeting or public hearing required under Subsection (e) upon
10 request from the review panel not less than seven days prior to the
11 date of the public meeting or public hearing by:

12 (1) posting notice on the commission's Internet
13 website;

14 (2) providing notice by regular mail to:

15 (A) the district that is the subject of the
16 petition;

17 (B) the petitioner; and

18 (C) the county clerk of each county in the
19 district.

20 (e-1) The commission or the review panel may request
21 assistance on technical issues involved in the petition from the
22 Texas Water Development Board by submitting a written request to
23 the executive administrator. The executive administrator shall
24 provide the technical assistance requested through a written
25 response no later than 120 days after receiving the request. A
26 deadline set forth under Subsections (c), (e), or (h) is extended by
27 120 days if a request for technical assistance is submitted to the

1 executive administrator during that phase of the petition review.

2 (e-2) The office of public interest counsel shall provide
3 legal advice and assistance to the review panel upon request from a
4 member of the review panel. Notwithstanding Section 5.273 or any
5 other law, the public interest counsel shall not participate as a
6 party in an inquiry under this section and shall have no duties or
7 responsibilities to represent the public interest or otherwise in
8 an inquiry except as provided by this subsection.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.