

## **BILL ANALYSIS**

Senate Research Center

H.B. 2080  
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Water, Agriculture and Rural Affairs  
5/22/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Existing law authorizes the Texas Commission on Environmental Quality (TCEQ) to review petitions for inquiries relating to a certain actions taken by a groundwater conservation district (GCD) by appointment of a review panel. H.B. 2080 is intended to improve that petition and review process by clarifying certain procedural issues relating to the review panels, namely:

- (1) the provision of technical and legal assistance to the review panel by TCEQ;
- (2) reimbursement of out-of-pocket expenses for panel members;
- (3) the legal nature of the review panel; and
- (4) the applicability of open government requirements to the records and meetings of the review panel.

The committee substitute expands the authority of the review panels to review GCD restrictions imposed on previously permitted wells that produce water used for a purpose permitted by TCEQ.

H.B. 2080 amends current law relating to the review of the duties of a groundwater conservation district by the Texas Commission on Environmental Quality.

[Note: While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality (TCEQ), as the successor agency to TNRCC.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 36.3011, Water Code, by amending Subsection (d) and adding Subsections (d-1), (d-2), (d-3), (e-1), (e-2), (e-3), and (e-4), as follows:

- (d) Requires, rather than authorizes, the recording secretary of a district review panel to be an employee of the Texas Natural Resource Conservation Commission (TNRCC).
- (d-1) Provides that a review panel established under Subsection (d) is an advisory body to TNRCC and not a governmental body under certain provisions of the Government Code.
- (d-2) Requires TNRCC to reimburse a member appointed to the review panel for actual expenses incurred while engaging in activities on behalf of the review panel. Requires the member, to be eligible for reimbursement, to file with the executive director of TNRCC (executive director) a verified statement, including any relevant receipts, describing the expenses incurred. Provides that a member appointed to the review panel is not entitled to a fee of office or other compensation for serving on the review panel.

(d-3) Provides that the records and documents of the recording secretary of the proceedings of the review panel are required to be provided to the executive director and are public information under Chapter 552 (Public Information), Government Code.

(e-1) Requires the executive director, not later than the seventh day before the date of a public meeting or public hearing of the review panel under Subsection (e) (relating to requiring the review panel to review the petition and any evidence relevant to the petition and consider and adopt a report to be submitted to TNRCC), to provide notice of any public meeting or public hearing the review panel is directed to conduct by posting notice on TNRCC's Internet website and delivering 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.

(e-2) Authorizes TNRCC or the review panel to submit a written request to the executive administrator of the Texas Water Development Board (executive administrator) for assistance on a technical issue related to the petition. Requires the executive administrator to provide the technical assistance not later than the 120th day after the date the executive administrator receives the request. Provides that a deadline under certain provisions of the Water Code is extended by 120 days if a request for technical assistance is submitted to the executive administrator during a review phase under that subsection.

(e-3) Requires the office of public interest counsel of TNRCC, on request from a member of the review panel, to provide legal advice and assistance to the review panel. Prohibits the office of public interest counsel, notwithstanding Section 5.273 (Duties of the Public Interest Counsel), from participating as a party in an inquiry under Section 36.3011 (Commission Inquiry and Action Regarding District Duties) and has no duty or responsibility to represent the public interest or otherwise in an inquiry except as provided by this subsection.

(e-4) Provides that Subsections (e-2) and (e-3) do not prohibit a member of the review panel from using the member's own technical consultant or legal counsel.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2025.