

BILL ANALYSIS

H.B. 2080
By: Gerdes
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The House Committee on Natural Resources interim report to the 88th Texas Legislature recommended making clarifications and improvements to petitions and processes for inquiries of groundwater conservation districts before the Texas Commission on Environmental Quality (TCEQ). H.B. 2080 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

H.B. 2080 amends the Water Code to replace the authorization for the recording secretary of a review panel that is appointed with respect to a Texas Commission on Environmental Quality (TCEQ) inquiry into a groundwater conservation district stemming from the petition of an affected person to be an employee of the TCEQ with a requirement for that secretary to be such an employee. The bill establishes that such a review panel is an advisory body to the TCEQ and not a governmental body under state open meetings law or state public information law. The bill requires the TCEQ to reimburse a member appointed to the review panel for actual expenses incurred while engaging in activities on the review panel's behalf. The bill requires a member, in order to be eligible for reimbursement, to file with the TCEQ executive director a verified statement, including any relevant receipts, describing the expenses incurred. The bill establishes 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. The bill requires the recording secretary's records and documents of the review panel's proceedings to be provided to the executive director and establishes that those records and documents are public information under state public information law.

H.B. 2080 requires the executive director, not later than the seventh day before the date of a public meeting or public hearing of the review panel, to provide notice of any such meeting or hearing the review panel is directed to conduct by doing the following:

- posting notice on the TCEQ website; and
- delivering notice by regular mail to the following:
 - 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.

H.B. 2080 authorizes the TCEQ or the review panel to submit a written request to the executive administrator of the Texas Water Development Board for assistance on a technical issue related to the petition 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 the following deadlines by 120 days if a request for technical assistance is submitted to the executive administrator during the related review phase:

- the deadline for the TCEQ to review a petition and either dismiss it or select a review panel;
- the deadline for the review panel to review a petition and any evidence relevant to the petition and consider and adopt a report to be submitted to the TCEQ; or
- the deadline for the executive director or the TCEQ to take action to implement any or all of the panel's recommendations.

H.B. 2080 requires the TCEQ's office of public interest counsel, on request from a member of the review panel, to provide legal advice and assistance to the review panel but prohibits the office from participating as a party in an inquiry and establishes that the office has no duty or responsibility to represent the public interest or otherwise in an inquiry except as provided as such.

H.B. 2080 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. A petition filed with the TCEQ before the bill's effective date is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.