

By: Gerdes, Isaac

H.B. No. 2080

A BILL TO BE ENTITLED

AN ACT

relating to the review of the duties of a groundwater conservation district by 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), (d-3), (e-1), (e-2), (e-3), and (e-4) 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 must ~~may~~ be an employee of the commission. The recording secretary shall record and document the proceedings of the panel.

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

(d-2) The commission shall reimburse a member appointed to the review panel 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 a verified statement, including any relevant receipts, describing the expenses incurred. 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) The records and documents of the recording secretary of the proceedings of the review panel must be provided to the executive director and are public information under Chapter 552, Government Code.

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

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

(2) delivering notice by regular mail to:

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

(B) the petitioner; and

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

(e-2) The commission or the review panel may submit a written request to the executive administrator for assistance on a technical issue related to the petition. The executive administrator shall provide the technical assistance not later than 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 (e-4) Subsections (e-2) and (e-3) do not prohibit a member
15 of the review panel from using the member's own technical
16 consultant or legal counsel.

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

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2025.