

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	HB2053
Version:	CCSA
Request Number:	8353
Author:	Rep. Hardin
Date:	5/22/2023
Impact:	Please see previous summary of this measure

Research Analysis

The conference committee substitute for HB 2053 allows a groundwater permit applicant whose application has been appealed to take groundwater while their appeal is pending unless the appellant has shown a high likelihood their appeal will be granted. Any preliminary injunctive relief must be restricted to amending the harm stated in the appeal.

In order for a court to enjoin an application for a groundwater permit from a sole source aquifer, an appellant must show a high likelihood of success, clear and convincing evidence of irreparable harm, the balance of equities tips significantly in their favor, or the order is clearly in the public interest.

Any appeals of an approved groundwater permit filed solely on the basis of the industry or entity applying shall be dismissed. If such appeals are found to be frivolous, the court may impose sanctions against the appellant and/or their attorney, and require them to reimburse reasonable costs.

Prepared By: Emily Byrne

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.