

BILL ANALYSIS

C.S.H.B. 1148
By: Miller
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not contain provisions relating to concentrated animal feeding operation permit holders who must shut down their operations should their permit be revoked. C.S.H.B. 1148 creates a temporary wind up permit that shall be issued to a person whose permit is not renewed or is revoked.

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

C.S.H.B. 1148 amends Chapter 26, Water Code, requiring the Texas Commission on Environmental Quality (Commission) to issue a wind up permit to a concentrated animal feeding operation permit holder whose permit is either revoked or is not renewed, for a term determined by the Commission of not less than six months. If the revocation or nonrenewal is appealed, the agency or court hearing the appeal shall extend the temporary permit for the duration of the appeal and for not less than six months after the date the appeals decision affirms the revocation or nonrenewal.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original measure requires the Texas Commission on Environmental Quality to issue a six month wind up permit to a concentrated animal feeding operation permit holder whose permit is revoked. The substitute also includes licenses that are not renewed and extends the wind up term for each to not less than six months. The term of the temporary wind up permit that is appealed is extended to not less than six months from the date of the appeals decision as opposed to three months in the original.

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