

BILL ANALYSIS

H.B. 2664
By: Puente
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Legislature created the Texas Commission on Environmental Quality's Office of Public Interest Counsel (OPIC) to promote the public interest and consumer protection and to guarantee the agency's responsiveness to citizens' concerns regarding environmental quality.

In the summer of 2000, the Texas Commission on Environmental Quality (TCEQ) (formerly known as the Texas Natural Resource Commission) came under sunset review. One of the recommendations issued by the Sunset Advisory Commission was to strengthen the OPIC. House Bill 2912 (the TCEQ's sunset bill), passed by the 77th Legislature, made some changes to the portion of the code dealing with the OPIC and also directed the Lieutenant Governor and the Speaker of the House to appoint a ten-member joint interim committee to study the issue.

H.B. 2664 would implement three recommendations included in the interim report issued by the Joint Committee on the Office of Natural Resource Public Interest Counsel.

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. 2664 (1) gives the OPIC an independent budget, including \$100,000 annually for outside technical expertise, and provides that this section does not affect the administrative attachment of the office of public interest counsel to the TCEQ; (2) allows the OPIC to appeal rule packages, if it appears that they were adopted without proper legal procedure or exceed the authority of the TCEQ; and (3) allows the OPIC to appeal when the TCEQ has substantially amended a proposal for decision from the State Office of Administrative Hearings, and appeal is necessary to serve the broad public interest.

H.B. 2664 also provides that the provisions added by this Act apply only to rules finally adopted or a proposal for decision issued on or after that date.

EFFECTIVE DATE

September 1, 2003