

By: Miller

H.B. No. 1358

A BILL TO BE ENTITLED

AN ACT

relating to procedures for protesting the renewal of a permit for a concentrated animal feeding operation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0289 to read as follows:

Sec. 26.0289. PROCEDURES FOR PROTESTING CONCENTRATED ANIMAL FEEDING OPERATION PERMIT RENEWAL OR AMENDMENT. (a) A person who intends to protest the renewal or amendment of a permit for a concentrated animal feeding operation shall give written notice by certified mail, return receipt requested, to the commission and to the permit holder not later than the 15th day before the date of the first scheduled commission action on the application for renewal or amendment of the permit.

(b) The commission by rule shall provide for discovery of evidence for a period ending not later than the seventh day before the date of the contested case hearing on the application for renewal or amendment of the permit. Evidence, including an affidavit of a person intending to testify against the renewal or amendment, that is not provided during the discovery period is not admissible during the contested case hearing.

(c) A party who protests the renewal or amendment of a permit for a concentrated animal feeding operation shall pay reasonable legal fees of the permit holder if the permit is renewed

1 or amended.

2 SECTION 2. (a) This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2003.

7 (b) Section 26.0289, Water Code, as added by this Act,  
8 applies only to the protest of an application to renew or amend a  
9 permit for a concentrated animal feeding operation that is made on  
10 or after the effective date of this Act.