

By: Chisum

H.B. No. 1792

Substitute the following for H.B. No. 1792:

By: Davis of Harris

C.S.H.B. No. 1792

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Office of Public Interest Counsel
under the Texas Commission on Environmental Quality.

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

SECTION 1. Section 5.275, Water Code, is amended to read as
follows:

Sec. 5.275. APPEAL. (a) Except as provided by Subsection
(b), a [A] ruling, decision, or other act of the commission may not
be appealed by the counsel.

(b) The counsel may, under Section 2001.038, Government
Code, contest the validity of rates set by the commission or a
package of rules adopted by the commission on the basis that the
rates or rules:

(1) were set or adopted without the proper legal
procedure; or

(2) exceed the commission's authority.

SECTION 2. This Act takes effect September 1, 2003, and
applies only to:

(1) a proposal for decision amended by the Texas
Commission on Environmental Quality on or after that date; and

(2) rates set or a package of rules finally adopted by
the Texas Commission on Environmental Quality on or after that
date.