

By: Chisum

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 Subsections (b) and (c), a [A] ruling, decision, or other act of the commission may not be appealed by the counsel.

(b) The counsel may appeal a substantial amendment by the commission to a proposal for decision from the State Office of Administrative Hearings if appeal is necessary to serve the broad public interest.

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

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

(2) exceed the commission's authority.

SECTION 2. This Act takes effect on 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) a package of rules finally adopted by the Texas

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1 Commission on Environmental Quality on or after that date.