

By: Puente

H.B. No. 2664

A BILL TO BE ENTITLED

AN ACT

relating to the office of public interest counsel.

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

SECTION 1. Subchapter G, Chapter 5, Water Code, is amended by adding Section 5.2745 to read as follows:

Sec. 5.2745. BUDGET. (a) The office of public interest counsel shall have a budget separate from the commission's budget. Appropriations to the office and the commission shall be made separately. The director of the Legislative Budget Board, in preparing the state budget under Section 322.008, Government Code, shall provide for separate appropriations to the office of public interest counsel and the commission and shall treat the office of public interest counsel as a separate agency for that purpose. The public interest counsel shall submit the biennial legislative appropriations request to the Legislative Budget Board.

(b) The public interest counsel may spend money appropriated to the office of public interest counsel. Commission approval of expenditures for the office of public interest counsel is not required.

(c) The budget for the office of public interest counsel must provide not less than \$100,000 for outside technical expertise.

(d) This section does not affect the administrative attachment of the office of public interest counsel to the

1 commission and does not affect the support the commission provides
2 to the office of public interest counsel for administration of the
3 office, including office facilities and equipment. This section
4 applies only to compensation, reimbursement, and expenses for
5 personnel and outside expertise.

6 SECTION 2. Section 5.275, Water Code, is amended to read as
7 follows:

8 Sec. 5.275. APPEAL. (a) The counsel may appeal a
9 substantial amendment by the commission to a proposal for decision
10 from the State Office of Administrative Hearings if the appeal is
11 necessary to serve the public interest.

12 (b) The counsel may contest under Section 2001.038,
13 Government Code, the validity of a package of rules adopted by the
14 commission if the counsel believes that the rules were adopted
15 without proper legal procedure or exceed the commission's authority
16 ~~[A ruling, decision, or other act of the commission may not be~~
17 ~~appealed by the counsel].~~

18 SECTION 3. (a) This Act takes effect September 1, 2003.

19 (b) Section 5.275(b), Water Code, as added by this Act,
20 applies only to rules finally adopted or a proposal for decision
21 issued on or after that date. Rules finally adopted or a proposal
22 for decision issued before that date is governed by the law in
23 effect on the date the rules were finally adopted or the proposal
24 for decision issued, and that law is continued in effect for that
25 purpose.