

By: Crownover

H.B. No. 2963

Substitute the following for H.B. No. 2963:

By: Craddick

C.S.H.B. No. 2963

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to deadlines for the Railroad Commission of Texas to  
3 review certain applications for surface coal mining operation  
4 permits.

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

6 SECTION 1. Section 134.004, Natural Resources Code, is  
7 amended by adding Subdivision (7-a) to read as follows:

8 (7-a) "Director" means the director, Surface Mining  
9 and Reclamation Division, Railroad Commission of Texas, or the  
10 director's representative.

11 SECTION 2. Section 134.080, Natural Resources Code, is  
12 amended to read as follows:

13 Sec. 134.080. APPROVAL [~~OR DISAPPROVAL~~] OF PERMIT REVISION.

14 [~~(a)~~] The commission may not approve an application for a permit  
15 revision unless the commission finds that reclamation as required  
16 by this chapter can be accomplished under the revised reclamation  
17 plan.

18 [~~(b) The commission shall approve or disapprove the~~  
19 ~~revision not later than the 90th day after the date the permit~~  
20 ~~holder submits the application to the commission.]~~

21 SECTION 3. Subchapter D, Chapter 134, Natural Resources  
22 Code, is amended by adding Section 134.085 to read as follows:

23 Sec. 134.085. REVIEW PERIODS FOR NEW PERMITS, RENEWALS, AND

24 REVISIONS. (a) Not later than the seventh day after the date the

1 commission receives an application for a new permit or for renewal  
2 or a significant revision of a permit, the director shall complete a  
3 review of the application to determine whether the application is  
4 complete.

5 (b) If the director determines that the application is  
6 complete, the director shall file the application with the  
7 commission's office of general counsel for processing under  
8 commission rules and Chapter 2001, Government Code.

9 (c) If the director determines that the application is not  
10 complete, the director shall send a written notice to the applicant  
11 that identifies the specific information that the applicant must  
12 provide to the commission. Not later than the seventh day after the  
13 date the commission receives the requested information, the  
14 director shall complete another review of the application to assess  
15 the completeness of the application.

16 (d) Not later than the 120th day after the date the  
17 commission receives an application described by Subsection (a) that  
18 the director determines is complete, the director shall complete  
19 the technical review of the application and make a recommendation  
20 to approve or deny the application to the commission's office of  
21 general counsel.

22 (e) If the director determines that the application is  
23 deficient under Subsection (d):

24 (1) the period required by Subsection (d) for  
25 completing the review of the application is tolled until the date  
26 the commission receives the requested information from the  
27 applicant; and

1           (2) the director shall send a written notice to the  
2 applicant that notifies the applicant:

3                   (A) that the review period required by Subsection  
4 (d) is being tolled;

5                   (B) of the reason the review period is being  
6 tolled;

7                   (C) of the information the applicant must submit  
8 to the commission before the commission will resume the review of  
9 the application; and

10                   (D) of the number of days remaining that the  
11 commission has to review the application after the commission  
12 receives the requested information from the applicant.

13           (f) If the applicant submits supplemental information to  
14 the commission that is not in response to a request for information  
15 under Subsection (e), the director may extend the review period  
16 required by Subsection (d) for an additional period of not more than  
17 60 days. The director shall provide written notice to the applicant  
18 that includes the director's decision regarding whether to extend  
19 the review period, the reason for the decision, and the number of  
20 days remaining in the review period.

21           (g) This subsection and Subsection (h) apply only to an  
22 application for a permit revision that the director determines is  
23 not a significant departure from the approved method or conduct of  
24 mining and reclamation operations. Not later than the 90th day  
25 after the date the commission receives a complete application, the  
26 director shall provide written notice to the applicant that the  
27 permit revision request has been approved or denied.

1       (h) If the director determines that the application is  
2 deficient:

3           (1) the review period required by Subsection (g) to  
4 approve or deny the application under this section is tolled until  
5 the date the commission receives the requested information from the  
6 applicant; and

7           (2) the director shall send a written notice to the  
8 applicant that notifies the applicant:

9                   (A) that the review period required by Subsection  
10 (g) is being tolled;

11                   (B) of the reason the review period is being  
12 tolled;

13                   (C) of the information that the applicant must  
14 submit to the commission before the commission will resume the  
15 review of the revision application; and

16                   (D) of the number of days remaining that the  
17 commission has to review the application after the commission  
18 receives the requested information from the applicant.

19       SECTION 4. The change in law made by this Act applies only  
20 to a permit to conduct mining operations the application for which  
21 is filed with the Railroad Commission of Texas on or after the  
22 effective date of this Act. A permit the application for which is  
23 filed before the effective date of this Act is subject to the law in  
24 effect on the date the application is filed, and that law is  
25 continued in effect for that purpose.

26       SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2011.