

1-1 By: Hegar S.B. No. 1478  
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 18, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 18, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1478 By: Hegar

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to deadlines for the Railroad Commission of Texas to  
1-11 review certain applications for surface coal mining operation  
1-12 permits.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 134.004, Natural Resources Code, is  
1-15 amended by adding Subdivision (7-a) to read as follows:

1-16 (7-a) "Director" means the director, Surface Mining  
1-17 and Reclamation Division, Railroad Commission of Texas, or the  
1-18 director's representative.

1-19 SECTION 2. Section 134.080, Natural Resources Code, is  
1-20 amended to read as follows:

1-21 Sec. 134.080. APPROVAL ~~[OR DISAPPROVAL]~~ OF PERMIT REVISION.  
1-22 ~~[(a)]~~ The commission may not approve an application for a permit  
1-23 revision unless the commission finds that reclamation as required  
1-24 by this chapter can be accomplished under the revised reclamation  
1-25 plan.

1-26 ~~[(b) The commission shall approve or disapprove the~~  
1-27 ~~revision not later than the 90th day after the date the permit~~  
1-28 ~~holder submits the application to the commission.]~~

1-29 SECTION 3. Subchapter D, Chapter 134, Natural Resources  
1-30 Code, is amended by adding Section 134.085 to read as follows:

1-31 Sec. 134.085. REVIEW PERIODS FOR NEW PERMITS, RENEWALS, AND  
1-32 REVISIONS. (a) Not later than the seventh day after the date the  
1-33 commission receives an application for a new permit or for renewal  
1-34 or a significant revision of a permit, the director shall complete a  
1-35 review of the application to determine whether the application is  
1-36 complete.

1-37 (b) If the director determines that the application is  
1-38 complete, the director shall file the application with the  
1-39 commission's office of general counsel for processing under  
1-40 commission rules and Chapter 2001, Government Code.

1-41 (c) If the director determines that the application is not  
1-42 complete, the director shall send a written notice to the applicant  
1-43 that identifies the specific information that the applicant must  
1-44 provide to the commission. Not later than the seventh day after the  
1-45 date the commission receives the requested information, the  
1-46 director shall complete another review of the application to assess  
1-47 the completeness of the application.

1-48 (d) Not later than the 120th day after the date the  
1-49 commission receives an application described by Subsection (a) that  
1-50 the director determines is complete, the director shall complete  
1-51 the technical review of the application and make a recommendation  
1-52 to approve or deny the application to the commission's office of  
1-53 general counsel.

1-54 (e) If the director determines that the application is  
1-55 deficient under Subsection (d):

1-56 (1) the period required by Subsection (d) for  
1-57 completing the review of the application is tolled until the date  
1-58 the commission receives the requested information from the  
1-59 applicant; and

1-60 (2) the director shall send a written notice to the  
1-61 applicant that notifies the applicant:

1-62 (A) that the review period required by Subsection  
1-63 (d) is being tolled;

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

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