

By: Smith

H.B. No. 1079

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the procedural requirements for action by the Texas  
3 Commission on Environmental Quality on applications for production  
4 area authorizations.

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

6 SECTION 1. Section 27.0513(d), Water Code, is amended to  
7 read as follows:

8 (d) Notwithstanding Sections 5.551, 5.556, 27.011, and  
9 27.018, an application for an authorization submitted after  
10 September 1, 2007, is an uncontested matter not subject to a  
11 contested case hearing or the hearing requirements of Chapter 2001,  
12 Government Code [~~, unless the authorization seeks any of the~~  
13 ~~following:~~

14 [~~(1) an amendment to a restoration table value,~~

15 [~~(2) the initial establishment of monitoring wells for~~  
16 ~~any area covered by the authorization, including the location,~~  
17 ~~number, depth, spacing, and design of the monitoring wells, unless~~  
18 ~~the executive director uses the recommendation of an independent~~  
19 ~~third-party expert chosen by the commission, or~~

20 [~~(3) an amendment to the type or amount of bond~~  
21 ~~required for groundwater restoration or by Section 27.073 to assure~~  
22 ~~that there are sufficient funds available to the state for~~  
23 ~~groundwater restoration or the plugging of abandoned wells in the~~  
24 ~~area by a third-party contractor].~~

1           SECTION 2. Sections 27.0513(e) and (f), Water Code, are  
2 repealed.

3           SECTION 3. The change in law made by this Act applies only  
4 to an application for an authorization that is submitted to the  
5 Texas Commission on Environmental Quality on or after the effective  
6 date of this Act. An application for an authorization that was  
7 submitted to the commission before the effective date of this Act is  
8 governed by the law in effect at the time the application was  
9 submitted, and the former law is continued in effect for that  
10 purpose.

11          SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2013.