

By: Clardy

H.B. No. 1113

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the standard of review for a determination of standing
3 in a contested case hearing conducted by the Texas Commission on
4 Environmental Quality.

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

6 SECTION 1. Section 5.115, Water Code, is amended by adding
7 Subsection (a-1) to read as follows:

8 (a-1) A determination of standing made under Subsection (a)
9 is discretionary. The commission is not required to hold an
10 evidentiary hearing on such a determination. A court may reverse
11 and remand such a determination only if the court finds that the
12 commission:

13 (1) failed to consider a factor required by law to be
14 considered;

15 (2) considered an irrelevant factor; or

16 (3) considered only relevant factors required by law
17 to be considered but reached a completely unreasonable result.

18 SECTION 2. The changes in law made by this Act apply only to
19 a determination of standing made by the Texas Commission on
20 Environmental Quality on or after the effective date of this Act. A
21 determination made before the effective date of this Act is
22 governed by the law in effect on the date the determination was
23 made, and that law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2015.