

By: Isaac

H.B. No. 2073

A BILL TO BE ENTITLED

AN ACT

relating to persons affected by certain municipalities' water or sewer utility improvements.

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

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

(a) For the purpose of an administrative hearing held by or for the commission involving a contested case, except as provided by Subsection (a-1), "affected person," or "person affected," or "person who may be affected" means a person who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the administrative hearing. An interest common to members of the general public does not qualify as a personal justiciable interest. The commission shall adopt rules specifying factors which must be considered in determining whether a person is an affected person in any contested case arising under the air, waste, or water programs within the commission's jurisdiction and whether an affected association is entitled to standing in contested case hearings.

(a-1) In an administrative hearing held by or for the commission involving a contested case in which a Type A general-law municipality seeks approval for any action related to a water or sewer utility improvement, another municipality is not an "affected

1 person," or "person affected," or "person who may be affected" for
2 purposes of this section if:

3 (1) the other municipality's corporate limits or
4 extraterritorial jurisdiction is at least two miles from any part
5 of the water or sewer utility improvement that is at issue in the
6 contested case; or

7 (2) the other municipality has permitted wastewater
8 discharge under a less stringent standard than the standard sought
9 by the Type A general-law municipality.

10 SECTION 2. The change in law made by this Act applies only
11 to a contested case that is filed on or after the effective date of
12 this Act. A contested case that was filed before the effective date
13 of this Act is governed by the law in effect at the time the case was
14 filed, and that law is continued in effect for that purpose.

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