

By: Creighton

S.B. No. 941

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(2) considered an irrelevant factor; or

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

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

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