

By: Dutton

H.B. No. 1115

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the definition of "affected person" for purposes of a
3 contested case hearing held by or for the Texas Commission on
4 Environmental Quality regarding certain environmental permit
5 applications.

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

7 SECTION 1. Section 5.115(a), Water Code, is amended to read
8 as follows:

9 (a) For the purpose of an administrative hearing held by or
10 for the commission involving a contested case, "affected person,"
11 or "person affected," or "person who may be affected" means a person
12 who has a personal justiciable interest related to a legal right,
13 duty, privilege, power, or economic interest affected by the
14 administrative hearing. An interest common to members of the
15 general public does not qualify as a personal justiciable interest.
16 For the purpose of an administrative hearing held by or for the
17 commission involving a contested case regarding a permit
18 application referred under Section 5.556 or 5.557, the following
19 elected officials are considered affected persons:

20 (1) the state senator and representative who represent
21 the area in which the facility to which the application relates is
22 located or proposed to be located;

23 (2) the members of the governing body of a
24 municipality in which the facility to which the application relates

1 is located or proposed to be located; and

2 (3) the commissioners court of a county in which the
3 facility to which the application relates is located or proposed to
4 be located.

5 SECTION 2. The changes in law made by this Act apply only to
6 an application for a permit that is filed with the Texas Commission
7 on Environmental Quality on or after the effective date of this Act.
8 An application for a permit filed before the effective date of this
9 Act is governed by the law in effect on the date of filing, and that
10 law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2017.