

By: Farrar

H.B. No. 2799

A BILL TO BE ENTITLED

AN ACT

relating to a requirement to make certain environmental and water use permit applications available online.

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

SECTION 1. Section 5.552, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Not later than the 30th day after the date the executive director determines the application to be administratively complete:

(1) the applicant shall:

(A) post a copy of the application on a publicly accessible Internet website and provide to the commission the address of that website; and

(B) publish, [notice of intent to obtain a permit] at least once in the newspaper of largest circulation in the county in which the facility to which the application relates is located or proposed to be located or, if the facility to which the application relates is located or proposed to be located in a municipality, at least once in a newspaper of general circulation in the municipality, a notice of intent to obtain a permit that includes the Internet website address provided under Paragraph (A);
and

(2) the chief clerk of the commission shall mail

1 notice of intent to obtain a permit to:

2 (A) the state senator and representative who
3 represent the general area in which the facility is located or
4 proposed to be located;

5 (B) the mayor and health authorities of the
6 municipality in which the facility is located or proposed to be
7 located;

8 (C) the county judge and health authorities of
9 the county in which the facility is located or proposed to be
10 located; and

11 (D) the river authority in which the facility is
12 located or proposed to be located if the application is under
13 Chapter 26 [~~Water Code~~].

14 (b-1) The applicant shall:

15 (1) post at the Internet website address described by
16 Subsection (b)(1) any subsequent revision or supplement to the
17 application as the revision or supplement becomes available; and

18 (2) maintain the posting at the Internet website
19 address described by Subsection (b)(1) until the commission takes
20 final action on the application.

21 SECTION 2. Section 11.124, Water Code, is amended by adding
22 Subsection (g) to read as follows:

23 (g) The applicant shall post a copy of the application, map,
24 and any supporting materials required by this subchapter on a
25 publicly accessible Internet website and provide the commission
26 with the address of that website in the application sent to the
27 commission under this section. The applicant shall:

1 (1) post any subsequent revision or supplement to the
2 application as the revision or supplement becomes available; and

3 (2) maintain the posting until the commission takes
4 final action on the application.

5 SECTION 3. Section 11.132(c), Water Code, is amended to
6 read as follows:

7 (c) In the notice, the commission shall:

8 (1) state the name and address of the applicant;

9 (2) state the date the application was filed;

10 (3) state the purpose and extent of the proposed
11 appropriation of water;

12 (4) identify the source of supply and the place where
13 the water is to be stored or taken or diverted from the source of
14 supply;

15 (5) specify the time and location where the commission
16 will consider the application; ~~and~~

17 (6) provide the Internet website address of the posted
18 application, map, and supporting materials; and

19 (7) [~~6~~] give any additional information the
20 commission considers necessary.

21 SECTION 4. The changes in law made by this Act apply only to
22 an application received by the Texas Commission on Environmental
23 Quality on or after the effective date of this Act. An application
24 received before the effective date of this Act is governed by the
25 law in effect on the date the application was received, and the
26 former law is continued in effect for that purpose.

27 SECTION 5. This Act takes effect September 1, 2017.