86R5258 SLB-D

By:  Dutton H.B. No. 654

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a)  For the purpose of an administrative hearing held by or for the commission involving a contested case, "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. For the purpose of an administrative hearing held by or for the commission involving a contested case regarding a permit application referred under Section 5.556 or 5.557, the state senator and representative who represent the area in which the facility to which the application relates is located or proposed to be located are considered affected persons.

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

SECTION 3.  This Act takes effect September 1, 2019.