

By: Farrar

H.B. No. 245

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) identify any proposed alternative source of water,  
16 other than state water, identified by the applicant;

17                (6) specify the time and location where the commission  
18 will consider the application;

19                (7) provide the Internet website address of the posted  
20 application, map, and supporting materials; and

21                (8) [~~7~~] give any additional information the  
22 commission considers necessary.

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

1 former law is continued in effect for that purpose.

2 SECTION 5. This Act takes effect September 1, 2019.