87R18970 MP-F

By:  King of Uvalde H.B. No. 2716

Substitute the following for H.B. No. 2716:

By:  Bowers C.S.H.B. No. 2716

A BILL TO BE ENTITLED

AN ACT

relating to recommendations made by the Parks and Wildlife Department and intervention by the Parks and Wildlife Department in matters regarding certain permits.

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

SECTION 1.  Section 12.024, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.024.  WATER PERMIT RESPONSIBILITIES. (a) The Texas Commission on Environmental Quality [~~Department of Water Resources~~] shall furnish to the department a copy of all permit applications to store, take, or divert water.

(b)  The department shall make recommendations to the Texas Commission on Environmental Quality and the Texas [~~Department of~~] Water Development Board [~~Resources~~] to protect fish and wildlife resources, including permit conditions, mitigation, and schedules of flow or releases. In a proceeding for an individual water right governed by environmental flow standards, the department may not make a recommendation for a schedule of flow or releases that is in conflict with the applicable standards.

(c)  Notwithstanding Section 5.115(b), Water Code, the [~~The~~] department:

(1)  shall be, on its request, granted a hearing or made a full party in any hearing on an application for a permit to store, take, or divert water that is subject to notice and opportunity for hearing; and

(2)  may request a hearing and full party status on a permit or authorization under review by the Texas Commission on Environmental Quality that:

(A)  is subject to notice and opportunity for hearing; and

(B)  may adversely affect property or fish and wildlife resources managed by the department.

SECTION 2.  Section 5.115(b), Water Code, is amended to read as follows:

(b)  At the time an application for a permit or license under this code is filed with the executive director and is administratively complete, the commission shall give notice of the application to any person who may be affected by the granting of the permit or license. A state agency that receives notice under this subsection may submit comments to the commission in response to the notice but, except as expressly authorized by other law, may not contest the issuance of a permit or license by the commission. For the purposes of this subsection, "state agency" does not include a river authority.

SECTION 3.  This Act takes effect September 1, 2021.