

By: Dutton

H.B. No. 969

A BILL TO BE ENTITLED

AN ACT

1  
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 state  
19 senator and representative who represent the area in which the  
20 facility to which the application relates is located or proposed to  
21 be located are considered affected persons.

22 SECTION 2. The changes in law made by this Act apply only to  
23 an application that is filed with the Texas Commission on  
24 Environmental Quality on or after the effective date of this Act.

1 An application filed before the effective date of this Act is  
2 governed by the law in effect on the date of filing, and that law is  
3 continued in effect for that purpose.

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