

By: Dutton

H.B. No. 935

A BILL TO BE ENTITLED

AN ACT

relating to public comments on matters subject to a hearing under the jurisdiction of the Texas Commission on Environmental Quality.

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

SECTION 1. Section 5.555, Water Code, is amended to read as follows:

Sec. 5.555. RESPONSE TO AND CONSIDERATION OF PUBLIC COMMENTS. (a) The executive director, in accordance with procedures provided by commission rule, shall file with the chief clerk of the commission a response to each [~~relevant and material~~] public comment on the preliminary decision filed during the public comment period.

(b) The chief clerk of the commission shall transmit the executive director's decision, the public comments made during the public comment period, the executive director's responses [~~response~~] to public comments, and instructions for requesting that the commission reconsider the executive director's decision or hold a contested case hearing to:

(1) the applicant;

(2) any person who submitted comments during the public comment period; and

(3) any person who requested to be on the mailing list for the permit action.

(c) The commission shall consider all public comments

1 submitted during the public comment period when deciding on an  
2 action related to an application.

3 SECTION 2. Section 5.555, Water Code, as amended by this  
4 Act, applies only to an application filed with the Texas Commission  
5 on Environmental Quality on or after the effective date of this Act.  
6 An application filed before the effective date of this Act is  
7 governed by the law in effect on the date of filing, and that law is  
8 continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2023.