

BILL ANALYSIS

C.S.H.B. 3177
By: Lucio III
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that there is inefficiency in the process for addressing certain applications or requests that have become uncontested before parties are named. C.S.H.B. 3177 seeks to address this issue in order to streamline the permitting process by delegating uncontested matters to the executive director of the Texas Commission on Environmental Quality under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3177 amends the Water Code to add as an application or request relating to an authorization or approval for which the Texas Commission on Environmental Quality (TCEQ) may delegate to the executive director of TCEQ the authority to act on an application or request that has become uncontested before parties are named because each person who requested a contested case hearing within the time allowed by law has withdrawn the request without condition, has withdrawn the request conditioned only on the withdrawal of all other hearing requests, or has agreed in writing to the action to be taken by the executive director.

C.S.H.B. 3177 authorizes a person affected by a ruling, order, or decision on an uncontested matter delegated to the executive director to file a petition to review, set aside, modify, or suspend the ruling, order, or decision not later than the 30th day after the following dates: the effective date of the ruling, order, or decision or, if the executive director's ruling, order, or decision is appealed to TCEQ, the earlier of the date TCEQ denies the appeal or the date the appeal is overruled by operation of law in accordance with TCEQ rules.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3177 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 5.122(a), Water Code, is amended.

SECTION 2. Section 5.351, Water Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), a person affected by a ruling, order, or decision on a matter delegated to the executive director under Section 5.122 may file a petition to review, set aside, modify, or suspend the ruling, order, or decision not later than:

(1) the 30th day after the effective date of the ruling, order, or decision; or

(2) if the executive director's ruling, order, or decision is appealed to the commission as authorized by Section 5.122(b), the earlier of:

(A) the date the commission denies the appeal; or

(B) the date the appeal is overruled by operation of law in accordance with commission rules.

SECTION 3. The changes in law made by this Act apply only to a matter delegated to the executive director of the Texas Commission on Environmental Quality under Section 5.122, Water Code, as amended by this Act, on or after the effective date of this Act. A matter delegated before the effective date of this Act is governed by the law in effect at the time the matter was delegated, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 5.351, Water Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), a person affected by a ruling, order, or decision on a matter delegated to the executive director under Section 5.122 or other law may file a petition to review, set aside, modify, or suspend the ruling, order, or decision not later than the 30th day after:

(1) the effective date of the ruling, order, or decision; or

(2) if the executive director's ruling, order, or decision is appealed to the commission as authorized by Section 5.122(b) or other law, the earlier of:

(A) the date the commission denies the appeal; or

(B) the date the appeal is overruled by operation of law in accordance with commission rules.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.