

BILL ANALYSIS

Senate Research Center

H.B. 1298
By: Kuempel (Brown)
Natural Resources
4-29-97
Engrossed

DIGEST

The 74th Legislature authorized the Texas Natural Resource Conservation Commission (TNRCC) to delegate authority to its executive director on applications, renewals, or other actions relating to permits, registrations, licenses or other authorizations under certain conditions. It has been unclear to some whether the executive director can in turn delegate some of that authority to the staff.

The legislature also specified that the decisions of the executive director could be appealed to the TNRCC, except for decisions relating to federal operating permits under the federal Clean Air Act. There is some confusion as to when to appeal to the commission, and when to appeal directly to district court. H.B. 1298 authorizes TNRCC to remove some decisions of the executive director from TNRCC review and render those decisions final and appealable to district court, and clarifies that the executive director may delegate authority to his staff.

PURPOSE

As proposed, H.B. 1298 authorizes the Texas Natural Resource Conservation Commission (TNRCC) to remove some decisions of the executive director from TNRCC review and render those decisions final and appealable to district court, and clarifies that the executive director may delegate authority to the staff.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 5.122(b)(2), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 5.122(b) and (c), Water Code, to authorize an appeal for a decision regarding a permit under Chapter 382C or decisions specified as final and appealable by the Texas Natural Resource Conservation Commission (TNRCC) rule that delegates the decision to the executive director of TNRCC (executive director). Makes a conforming change.

SECTION 2. Amends Chapter 5F, Water Code, by adding Section 5.238, as follows:

Sec. 5.238. DELEGATION OF EXECUTIVE DIRECTOR'S AUTHORITY OR DUTY.
Authorizes the executive director to delegate certain duties, unless specified otherwise.

SECTION 3. Emergency clause.
Effective date: upon passage.