

BILL ANALYSIS

C.S.H.B. 2716
By: King, Tracy O.
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that allowing the Parks and Wildlife Department (TPWD) the ability to be granted a hearing and full party status on certain permit applications being considered by the Texas Commission on Environmental Quality (TCEQ) would help TPWD better manage certain natural resources of the state and give environmental concerns more consideration in the permit application process. C.S.H.B. 2716 gives TPWD the right to request and be granted a hearing or full party status on an application for a permit to store, take, or divert water that is subject to notice and opportunity for hearing. The bill also gives TPWD the ability to request a hearing and full party status on certain other permits or authorizations under review by TCEQ.

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. 2716 amends the Parks and Wildlife Code to revise and clarify provisions relating to water permit responsibilities with respect to the Parks and Wildlife Department (TPWD). The bill clarifies the following:

- that the Texas Commission on Environmental Quality (TCEQ) is the entity responsible for furnishing to TPWD a copy of all permit applications to store, take, or divert water; and
- that TCEQ and the Texas Water Development Board are the entities to which TPWD is responsible for making recommendations to protect fish and wildlife resources.

The bill prohibits TPWD, in a proceeding for an individual water right governed by environmental flow standards, from making a recommendation for a schedule of flow or releases that is in conflict with the applicable standards.

C.S.H.B. 2716 provides that, notwithstanding the prohibition against a state agency contesting the issuance of a TCEQ permit or license, TPWD has the right to 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. The bill authorizes TPWD to request a hearing and full party status on a permit or authorization under review by TCEQ that is subject to notice and opportunity for hearing and may adversely affect property or fish and wildlife resources managed by TPWD.

C.S.H.B. 2716 amends the Water Code to make a conforming change.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2716 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the original's authorization for TPWD to request a hearing and full party status on permits or authorizations that may adversely affect certain resources managed by TPWD by including fish among the applicable resources.