

BILL ANALYSIS

Senate Research Center

S.B. 1495
By: Bivins
Natural Resources
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As Filed

DIGEST

Currently, notice requirements for permits issued by the Texas Natural Resource Conservation Commission (commission) are scattered throughout dozens of statutes in the Water Code and the Health and Safety Code. Since most programs have unique notice requirements, it is often difficult for applicants to ensure that they are complying with all notice requirements that apply to their permits. This bill puts all public notice requirements for the commission permits in one chapter of the Water Code to assist applicants and the public in determining the applicable notice requirements.

PURPOSE

As proposed, S.B. 1495 puts all public notice requirements for the Texas Natural Resource Conservation Commission permits in one chapter of the Water Code to assist applicants and the public in determining the applicable notice requirements.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 5.401, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. PURPOSE. Sets forth the purpose of this Act.

SECTION 2. Amends Chapter 5J, Water Code, by adding Section 5.401, as follows:

Sec. 5.401. MINIMUM REQUIREMENTS. Provides that notice provisions for this subchapter are minimum requirements. Requires the Texas Natural Resource Conservation Commission (commission) to adopt rules consistent with this subchapter and may establish additional requirements.

SECTION 3. Amends Chapter 5J, Water Code, by adding Section 5.402, as follows:

Sec. 5.402. SUBSTANTIAL COMPLIANCE. Provides that substantial compliance with the requirements of this subchapter is sufficient for the commission to exercise jurisdiction over an application. Provides that inadvertent failure to mail notice to a navigation district that is not a claimant or appropriator of water does not prevent the commission's consideration of the application.

SECTION 4. Amends Chapter 5J, Water Code, by adding Section 5.403, as follows:

Sec. 5.403. TIMING OF NOTICES. Sets forth requirements for timing of notices.

SECTION 5. Amends Chapter 5J, Water Code, by adding Section 5.404, as follows:

Sec. 5.404. REQUIREMENTS FOR CONTENTS OF NOTICE. Sets forth requirements for the contents of notices.

SECTION 6. Amends Chapter 5J, Water Code, by adding Section 5.405, as follows:

Sec. 5.405. PROOF OF NOTICE. Sets forth requirements regarding proofs of notice.

SECTION 7. Amends Chapter 5J, Water Code, by adding Section 5.406, as follows:

Sec. 5.406. MAILED NOTICE. Sets forth requirements of mailed notices.

SECTION 8. Amends Chapter 5J, Water Code, by adding Section 5.407, as follows:

Sec. 5.407. MAILING LIST. Requires mailed notices to be sent to certain persons. Authorizes additional notices to be sent for certain items.

SECTION 9. Amends Chapter 5J, Water Code, by adding Section 5.408, as follows:

Sec. 5.408. NEWSPAPER PUBLICATION. Sets forth requirements of notices to be published in a newspaper.

SECTION 10. Amends Chapter 5J, Water Code, by adding Section 5.409, as follows:

Sec. 5.409. TEXAS REGISTER NOTICE. Sets forth items to be published in the Texas Register.

SECTION 11. Amends Chapter 5J, Water Code, by adding Section 5.410, as follows:

Sec. 5.410. SIGN POSTING. Sets forth requirements for giving notice of air quality permits by sign posting.

SECTION 12. Amends Chapter 5J, by adding Section 5.411, as follows:

Sec. 5.411. TYPES OF NOTICE. Sets forth types of notices regarding applications.

SECTION 13. Amends Section 5.115, Water Code, to delete Subsections (b)-(e). Makes conforming changes.

SECTION 14. Amends Sections 11.085(b), 11.132, and 11.143(d)-(g), Water Code, as follows:

Sec. 11.085. INTERWATERSHED TRANSFERS. Makes a conforming change.

Sec. 11.132. NOTICE. Deletes a provision relating to an application. Deletes previous Subsections (b), (c), (d)(1)-(3) and (e). Makes a conforming change.

Sec. 11.143. DOMESTIC AND LIVESTOCK RESERVOIR--USE FOR OTHER PURPOSES. Deletes previous Subsections (d)(1)-(3), (e), and (f). Makes conforming changes.

Sec. 11.175. NOTICE. Deletes previous Subsections (a) and (b). Makes a conforming change.

SECTION 15. Amends Section 11.085(b), Water Code, to make a conforming change.

SECTION 16. Amends Section 26.022, Water Code, to delete previous Subsection (c). Deletes notice provisions in Subsection (b). Makes conforming changes.

SECTION 17. Repealer: Section 26.025, Water Code (Hearings on standards; notices to whom).

SECTION 18. Amends Sections 26.028 and 26.029(b)-(d), Water Code, as follows:

Sec. 26.028. ACTION ON APPLICATION. Deletes a provision concerning notice

requirements. Deletes Subsections (d)(1)-(3). Makes conforming changes.

Sec. 26.029. CONDITIONS OF PERMIT; AMENDMENT; REVOCATION AND SUSPENSION. Deletes certain provisions relating to notices. Makes conforming changes.

SECTION 19. Repealer: Section 27.018(c), Water Code (Hearing on permit application).

SECTION 20. Amends Sections 361.079, 361.0791, 361.080, and 361.081, Water Code, to delete certain notice provisions. Makes conforming changes.

SECTION 21. Amends Sections 382.031, 382.056, 382.0561, 382.0562, and 382.058, Health and Safety Code, to delete certain notice requirements. Makes conforming and nonsubstantive changes.

SECTION 22. Amends Sections 401.114 and 401.116, Health and Safety Code, to delete certain notice requirements. Make conforming changes.

SECTION 23. Effective date: September 1, 1997.

SECTION 24. Emergency clause.