

BILL ANALYSIS

Senate Research Center

C.S.S.B. 596
By: Lindsay
Natural Resources
4-16-97
Committee Report (Substituted)

DIGEST

Currently, the Texas Natural Resource Conservation Commission is authorized to not hold an administrative hearing in a contested case if the commission determines that the basis of a person's request for a hearing as an "affected person" is not responsible or is not supported by competent evidence. A local government has infrastructure, services, and resources which can be affected by a proposed facility within its jurisdictional boundaries. This bill will redefine "affected person" to include certain counties for purposes of a contested case hearing held by or for the Texas Natural Resource Conservation Commission.

PURPOSE

As proposed, C.S.S.B. 596 redefines "affected person" to include certain counties or municipalities for purposes of a contested case hearing held by or for the Texas Natural Resource Conservation Commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5.115(a), Water Code, to provide that a county with a population of more than 2.8 million is an affected person in a contested case involving a facility or activity located or occurring within the boundaries of the county unless the statute under which the hearing is held provides otherwise.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 5.115(a), Water Code, to change the proposed definition of "affected person" to include a county with a population of more than 2.8 million, rather than any county or municipality.