

1-1 By: Lucio III (Senate Sponsor - Estes) H.B. No. 3177  
 1-2 (In the Senate - Received from the House May 5, 2017;  
 1-3 May 9, 2017, read first time and referred to Committee on Natural  
 1-4 Resources & Economic Development; May 18, 2017, reported  
 1-5 adversely, with favorable Committee Substitute by the following  
 1-6 vote: Yeas 11, Nays 0; May 18, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 3177 By: Estes

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the delegation of matters to the executive director of  
 1-24 the Texas Commission on Environmental Quality.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 5.122(a), Water Code, is amended to read  
 1-27 as follows:

1-28 (a) The commission by rule or order may delegate to the  
 1-29 executive director the commission's authority to act on an  
 1-30 application or other request to issue, renew, reopen, transfer,  
 1-31 amend, extend, withdraw, revoke, terminate, or modify a permit,  
 1-32 license, certificate, registration, or other authorization or  
 1-33 approval if:

1-34 (1) required notice of the application or request for  
 1-35 the authorization or approval has been given;

1-36 (2) the holder of or applicant for the authorization  
 1-37 or approval agrees in writing to the action to be taken by the  
 1-38 executive director; and

1-39 (3) the application or request:

1-40 (A) is uncontested and does not require an  
 1-41 evidentiary hearing; ~~or~~

1-42 (B) has become uncontested before parties are  
 1-43 named because each person who requested a contested case hearing  
 1-44 within the time allowed by law has:

1-45 (i) withdrawn the request for a contested  
 1-46 case hearing without condition;

1-47 (ii) withdrawn the request for a contested  
 1-48 case hearing conditioned only on the withdrawal of all other  
 1-49 hearing requests; or

1-50 (iii) agreed in writing to allow the  
 1-51 executive director to make a final decision on the matter; or

1-52 (C) has become uncontested because all parties  
 1-53 have agreed in writing to the action to be taken by the executive  
 1-54 director.

1-55 SECTION 2. Section 5.351, Water Code, is amended by adding  
 1-56 Subsection (c) to read as follows:

1-57 (c) Notwithstanding Subsection (b), a person affected by a  
 1-58 ruling, order, or decision on a matter delegated to the executive  
 1-59 director under Section 5.122 or other law may, after exhausting any  
 1-60 administrative remedies, file a petition to review, set aside,

2-1 modify, or suspend the ruling, order, or decision not later than the  
 2-2 30th day after:  
 2-3 (1) the effective date of the ruling, order, or  
 2-4 decision; or  
 2-5 (2) if the executive director's ruling, order, or  
 2-6 decision is appealed to the commission as authorized by Section  
 2-7 5.122(b) or other law, the earlier of:  
 2-8 (A) the date the commission denies the appeal; or  
 2-9 (B) the date the appeal is overruled by operation  
 2-10 of law in accordance with commission rules.

2-11 SECTION 3. The changes in law made by this Act apply only to  
 2-12 a final decision made by the executive director of the Texas  
 2-13 Commission on Environmental Quality under Section 5.122, Water  
 2-14 Code, as amended by this Act, on or after the effective date of this  
 2-15 Act. A final decision made by the executive director before the  
 2-16 effective date of this Act is governed by the law in effect at the  
 2-17 time the final decision was made, and the former law is continued in  
 2-18 effect for that purpose.

2-19 SECTION 4. This Act takes effect September 1, 2017.

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