

1-1 By: Zaffirini S.B. No. 211  
1-2 (In the Senate - Filed November 18, 2020; March 3, 2021,  
1-3 read first time and referred to Committee on Natural Resources &  
1-4 Economic Development; March 26, 2021, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; March 26, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Birdwell</u>	X		
1-9	<u>Zaffirini</u>	X		
1-10	<u>Alvarado</u>	X		
1-11	<u>Hancock</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Hughes</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Lucio</u>	X		
1-16	<u>Seliger</u>	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to judicial review of acts by the Texas Commission on  
1-20 Environmental Quality.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 361.321(a) and (c), Health and Safety  
1-23 Code, are amended to read as follows:

1-24 (a) A person affected by a ruling, order, decision, or other  
1-25 act of the commission may appeal the action by filing a petition in  
1-26 a district court of Travis County in the time required by Section  
1-27 5.351, Water Code.

1-28 (c) ~~A [Except as provided by Section 361.322(a), the]~~  
1-29 ~~petition described by Subsection (b) must be filed not later than~~  
1-30 ~~the 30th day after the date of the ruling, order, decision, or other~~  
1-31 ~~act of the governmental entity whose action is appealed. Service of~~  
1-32 ~~citation of the petition must be accomplished not later than the~~  
1-33 ~~30th day after the date on which the petition is filed.~~

1-34 SECTION 2. Sections 361.322(a) and (f), Health and Safety  
1-35 Code, are amended to read as follows:

1-36 (a) Any person subject to an administrative order under  
1-37 Section 361.272 may appeal the order by filing a petition in the  
1-38 time required by Section 5.351, Water Code ~~[before the 46th day~~  
1-39 ~~after the date of receipt, hand delivery, or publication service of~~  
1-40 ~~the order].~~

1-41 (f) The administrative order is final as to a nonappealing  
1-42 party on the date by which the person is required to file a petition  
1-43 under Section 5.351, Water Code ~~[46th day after the date of receipt,~~  
1-44 ~~hand delivery, or publication service of the order by, to, or on the~~  
1-45 ~~nonappealing party].~~

1-46 SECTION 3. Section 382.032(b), Health and Safety Code, is  
1-47 amended to read as follows:

1-48 (b) The petition must be filed in the time required by  
1-49 Section 5.351, Water Code, unless ~~[within 30 days after the date of~~  
1-50 ~~the commission's or executive director's action or, in the case of a~~  
1-51 ~~ruling, order, or decision, within 30 days after the effective date~~  
1-52 ~~of the ruling, order, or decision. If] the appeal relates to the~~  
1-53 ~~commission's failure to take final action on an application for a~~  
1-54 ~~federal operating permit, a reopening of a federal operating~~  
1-55 ~~permit, a revision to a federal operating permit, or a permit~~  
1-56 ~~renewal application for a federal operating permit in accordance~~  
1-57 ~~with Section 382.0542(b), in which case the petition may be filed at~~  
1-58 ~~any time before the commission or the executive director takes~~  
1-59 ~~final action.~~

1-60 SECTION 4. Sections 5.351(b) and (c), Water Code, are  
1-61 amended to read as follows:

2-1 (b) A person affected by a ruling, order, or decision of the  
2-2 commission must file a ~~his~~ petition within 30 days after the  
2-3 effective date of the ruling, order, or decision. A person affected  
2-4 by an act other than a ruling, order, or decision must file a ~~his~~  
2-5 petition within 30 days after the date the commission performed the  
2-6 act.

2-7 (c) Notwithstanding Subsection (b) or another provision of  
2-8 law to the contrary, a person affected by a ruling, order, or  
2-9 decision on a matter delegated to the executive director under  
2-10 Section 5.122 or other law may, after exhausting any administrative  
2-11 remedies, file a petition to review, set aside, modify, or suspend  
2-12 the ruling, order, or decision not later than the 30th day after:

2-13 (1) the effective date of the ruling, order, or  
2-14 decision; or

2-15 (2) if the executive director's ruling, order, or  
2-16 decision is appealed to the commission as authorized by Section  
2-17 5.122(b) or other law, the earlier of:

2-18 (A) the date the commission denies the appeal; or

2-19 (B) the date the appeal is overruled by operation  
2-20 of law in accordance with commission rules.

2-21 SECTION 5. This Act takes effect September 1, 2021.

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