

BILL ANALYSIS

Senate Research Center

S.B. 1223
By: Brown
Natural Resources
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As Filed

DIGEST

Currently, state law establishes certain provisions relating to the delegation of duties of the Texas Natural Resource Conservation Commission (TNRCC) and its executive director. It is unclear when an appeal is necessary to be made to the commissioner or the director of TNRCC and whether an executive director can delegate certain authority to staff. This bill authorizes TNRCC to remove some decisions of the executive director from TNRCC review, and render those decisions final and appealable to district court; this bill also clarifies that the executive director may delegate authority to staff.

PURPOSE

As proposed, S.B. 1223 authorizes the Texas Natural Resource Conservation Commission (TNRCC) to remove some decisions of the executive director from TNRCC review, and render those decisions final and appealable to district court; and clarifies that the executive director may delegate authority to staff.

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 Sections 5.122(b) and (c), Water Code, to authorize a person affected by certain executive director actions to appeal the action unless the action is a decision regarding a federal operating permit under Chapter 382C, Health and Safety Code, rather than Sections 382.051 through 382.055. Provides that an action may be appealed unless the action is specified as final and appealable by the Texas Natural Resource Conservation Commission rule that delegates the decision to the executive director. Makes a conforming change.

SECTION 2. Amends Chapter 5F, Water Code, by adding Section 5.238, as follows:

Sec. 5.238. DELEGATION OF EXECUTIVE DIRECTOR'S AUTHORITY OR DUTY.
Authorizes the executive director to delegate to the executive director's staff any authority or duty assigned to the executive director unless the statute, rule, or order assigning or delegating the authority or duty specifies otherwise.

SECTION 3. Emergency clause.
Effective date: upon passage.