Locke Lord

Texas Administrative Law 2022 Case Law Update

Carrie Collier-Brown
Senior Counsel | Austin
carrie.collier-brown@lockelord.com
512-305-4732

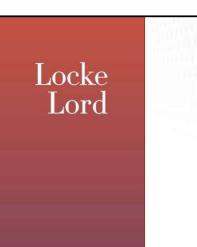
Matthew Arth
Associate | Austin
matthew.arth@lockelord.com
512-305-4805

© 2022 Locke Lord LLP www.lockelord.com

1

- Thank you to the following Locke Lord summer associates for drafting this presentation:
 - Christianna Goldman, rising 2L at University of Houston Law Center; and
 - Madison DeLuca, rising 2L at University of Texas Law School

www.lockelord.com



Agency Authority

© 2022 Locke Lord LLP www.lockelord.com

3

McClelland v. Tex. Health & Human Services Comm'n 635 S.W.3d 410 (Tex. App.—Houston [1st Dist.] 2021, no pet.)

- Agency: Texas Health and Human Services Commission (HHSC)
- Statutes: 7 U.S.C. §§ 2014(b), 2015(d)(2)(B)
- Issue:
 - Did HHSC's discretion in its administration of the federal benefits program allow HHSC to limit the exemption to caregivers who are completely unable to work? Accordingly, can HHSC bar any possibility of McClelland being granted SNAP benefits as a work-exempt applicant, as McClelland works part-time?
- Holding:
 - Under 7 U.S.C. § 2015(d)(2)(B), any caregiver responsible for the care
 of an incapacitated person is exempted from the SNAP benefit
 program's work requirements." 7 U.S.C. § 2014(b) reinforces that no
 State agency shall impose any other standards of eligibility as a
 condition for participating in the program."
 - No. HHSC impermissibly imposed additional criteria beyond the applicable federal standard and based its decision on the inability to work at all due to care obligations—a legally irrelevant factor. HHSC acted arbitrarily and outside its discretion.

www.lockelord.com

4

Pape Partners, Ltd. v. DRR Family Properties LP 645 S.W.3d 267 (Tex. 2022)

- Agency: Texas Commission on Environmental Quality (TCEQ)
- Statutes: Tex. Water Code § 5.013
- Issue:
 - Does TCEQ's jurisdiction include the authority to adjudicate conflicting claims to ownership of surface-water rights?
- Holding:
 - TWC § 5.013(a)(1) grants TCEQ jurisdiction over "water and water rights including the issuance of water rights permits, water rights adjudication, cancellation of water rights, and enforcement of water rights. "Water rights adjudication" is a term of art. It does not grant TCEQ authority to decide conflicting claims, but relates to the Commission's issuance of certificates of adjudication.
 - No. TCEQ lacks jurisdiction to decide conflicting claims of ownership to surface-water rights and instead only has jurisdiction to issue certificates of adjudication after a judicial process determines property ownership.

www.lockelord.com

3)

5

Dyer v. Tex. Comm'n on Envtl. Quality 646 S.W.3d 498 (Tex. 2022)

- Agency: TCEQ; Railroad Commission of Texas (RRC)
- Statutes: Tex. Water Code §§ 27.015, 27.051(a)(2)
- Issue:
 - If RRC rescinds a no-harm letter prior to TCEQ granting the corresponding permit application, does the rescission deprive TCEQ of jurisdiction?
- Holding:
 - Section 27.051(a) of the Injection Well Act (IWA) states that TCEQ "may grant an application . . . and may issue the permit if it finds," among other things, "that no existing rights, including . . . mineral rights, will be impaired." Section 27.015(c) states that TCEQ "shall" make that finding as to oil or gas rights if RRC has issued a no-harm letter.
 - No. The rescission did not deprive TCEQ of jurisdiction. It was not an abuse of discretion by TCEQ to decline to reopen the administrative record to rehear evidence it had already considered because there was no explicit language found in the IWA indicating that the Legislature intended a rescission of a six-year-old no harm letter to void a TCEQ order permitting an application.

www.lockelord.com

6



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Case Law Update: Part I

First appeared as part of the conference materials for the 17^{th} Annual Advanced Texas Administrative Law Seminar session "Case Law Update: Part I"