

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

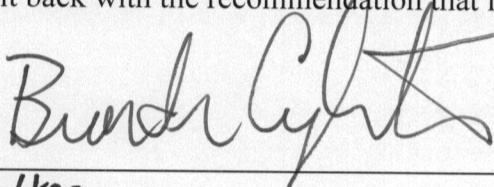
May 25, 2019
Date

Honorable Dan Patrick
President of the Senate

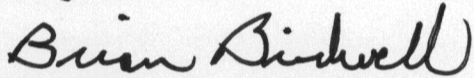
Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

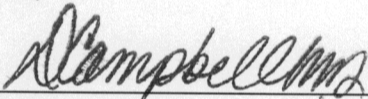
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2726 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



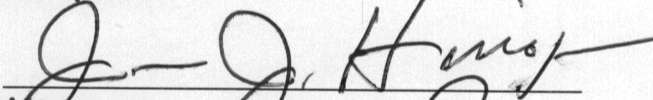
Creighton



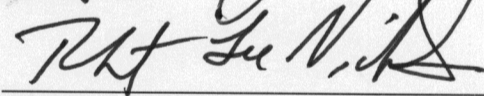
Birdwell



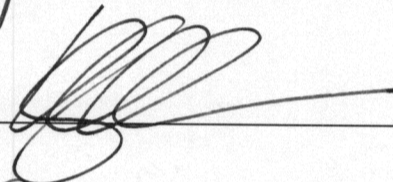
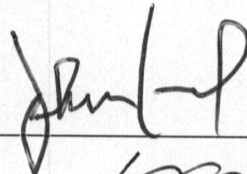
Campbell



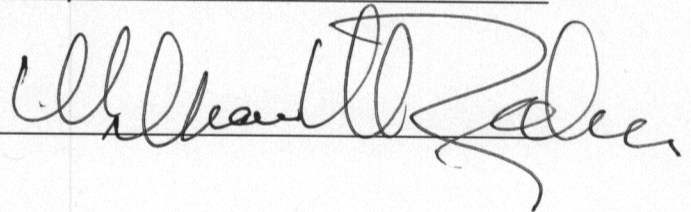
Hinojosa



Nichols On the part of the Senate



G. Sean W. Thomas



On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2726

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the commencement of construction of a project following
3 the issuance of a draft permit for a permit amendment to an air
4 quality permit.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 382.004, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 382.004. CONSTRUCTION WHILE PERMIT AMENDMENT
9 APPLICATION PENDING. (a) To the extent permissible under federal
10 law, ~~[and]~~ notwithstanding Section 382.0518, and except as provided
11 by Subsection (c), a person who submits an application for a permit
12 amendment ~~[for a modification of or a lesser change to an existing~~
13 ~~facility under this subtitle]~~ may, at the person's own risk, begin
14 construction related to the application after the executive
15 director has issued a draft permit including the permit amendment
16 ~~[the application is submitted and before the commission has issued~~
17 ~~the permit]~~.

18 (b) The commission may not consider construction begun
19 under this section in determining whether to grant the permit
20 amendment sought in the application.

21 (c) A person may not begin construction under this section
22 if the facility that is the subject of the permit amendment is a
23 concrete batch plant located within 880 yards of a property that is
24 used as a residence.

1 (d) The commission shall adopt rules to implement this
2 section.

3 SECTION 2. The changes in law made by this Act apply only to
4 an application for a permit amendment filed with the Texas
5 Commission on Environmental Quality on or after the effective date
6 of this Act. An application for a permit amendment filed before the
7 effective date of this Act is governed by the law in effect on the
8 date of filing, and that law is continued in effect for that
9 purpose.

10 SECTION 3. This Act takes effect January 1, 2020.

House Bill 2726
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 382.004, Health and Safety Code, is amended to read as follows:

Sec. 382.004. CONSTRUCTION WHILE PERMIT AMENDMENT APPLICATION PENDING. (a) To the extent permissible under federal law, ~~and~~ notwithstanding Section 382.0518, and except as provided by Subsection (c), a person who submits an application for a permit amendment ~~[for a modification of or a lesser change to an existing facility under this subtitle]~~ may, at the person's own risk, begin construction related to the application after the executive director has issued a draft permit including the permit amendment ~~[the application is submitted and before the commission has issued the permit]~~.

(b) The commission may not consider construction begun under this section in determining whether to grant the permit amendment sought in the application.

(c) A person may not begin construction under this section if the facility that is the subject of the permit amendment is a concrete batch plant located within 880 yards of a *property* that is used as a residence.

(d) The commission shall adopt rules to implement this section.

SECTION 2. Saving provision.

SECTION 3. This Act takes effect January 1, 2020.

SENATE VERSION (IE)

SECTION 1. Section 382.004, Health and Safety Code, is amended to read as follows:

Sec. 382.004. CONSTRUCTION WHILE PERMIT AMENDMENT APPLICATION PENDING. (a) To the extent permissible under federal law, ~~and~~ notwithstanding Section 382.0518, and except as provided by Subsection (c), a person who submits an application for a permit amendment ~~[for a modification of or a lesser change to an existing facility under this subtitle]~~ may, at the person's own risk, begin construction related to the application after the executive director has issued a draft permit including the permit amendment ~~[the application is submitted and before the commission has issued the permit]~~.

(b) The commission may not consider construction begun under this section in determining whether to grant the permit amendment sought in the application.

(c) A person may not begin construction under this section if the facility that is the subject of the permit amendment is *an aggregate production operation or a concrete batch plant located within 880 yards of a building that is used as a single or multifamily residence, school, or hospital.* [FA1]

(d) The commission shall adopt rules to implement this section.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2726 by Kuempel (Relating to the commencement of construction of a project following the issuance of a draft permit for a permit amendment to an air quality permit.),
Conference Committee Report

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to permit a person that submits an application for a permit amendment to begin work related to the application after the Texas Commission on Environmental Quality has issued a draft permit including the permit amendment for the exception of the construction of facilities within 880 yards of a residence. Based on the analysis of the Texas Commission on Environmental Quality, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: WP, SZ, GDz