

## **BILL ANALYSIS**

Senate Research Center

H.B. 1133  
By: Dukes (Lindsay)  
Natural Resources  
5-12-97  
Engrossed

### **DIGEST**

Currently, reporting requirements for the Texas Natural Resource Conservation Commission (TNRCC) vary and are, in some cases, incomplete. Eight reports are due biennially in odd-numbered years and eight are due annually. Some reports do not specify recipients and some have no specific due date. There are also some outdated reporting requirements. H.B. 1133 would consolidate reporting requirements for TNRCC and delete from statute reporting requirements that are obsolete.

### **PURPOSE**

As proposed, H.B. 1133 outlines provisions regarding certain reporting requirements for the Texas Natural Resource Conservation Commission.

### **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 Section 5.178, Water Code, as follows:

Sec. 5.178. New heading: ANNUAL REPORTS; BIENNIAL APPENDIXES. Requires the Texas Natural Resource Conservation Commission (TNRCC) to file with, rather than make biennial reports in writing to, the governor and members of the legislature a written report that includes a statement of the activities of TNRCC during the preceding fiscal biennium, rather than its recommendations for necessary and desirable legislation, on or before December 1 of each even-numbered year. Sets forth information required to be included in the report due by December 1 of an even-numbered year. Requires TNRCC to file a municipal solid waste report, to include the plans required by Sections 361.020 and 361.021, Health and Safety Code, and an assessment of commercial nonhazardous waste disposal capacity as required by Section 361.0233, Health and Safety Code, as part of the biennial reports required by this section that are to be filed by December 1, 2000, and every four years after that date. Makes a conforming change.

SECTION 2. Amends Section 26.0135(d), Water Code, to require TNRCC to submit its report by December 1 of each even-numbered year as required by Section 5.178(b), rather than to the governor, lieutenant governor, and the speaker of the house of representatives.

SECTION 3. Amends Section 361.020, Health and Safety Code, by amending Subsection (e) and adding Subsection (g), to require a strategic plan to be updated every four, rather than two, years. Requires TNRCC to submit the comprehensive statewide strategic plan, as developed under this section and Section 361.0201 and updated under Subsection (e), by December 1, 2000, and every four years after that date, as required by Section 5.178(c), Water Code.

SECTION 4. Amends Section 361.0219(c), Health and Safety Code, to delete text requiring the office of waste exchange (office) to report to the legislature on the plan and on the state's participation in any regional or national waste exchange program. Requires the office to report to TNRCC, rather than the legislature, biennially, rather than annually, on progress in implementing this section, including the plan to provide information on waste exchange, the state's participation in any

national or regional waste exchange program. Makes a conforming change.

SECTION 5. Amends Section 361.0234, Health and Safety Code, as follows:

Sec. 361.0234. New heading: RULES; UPDATE OF RULES AND ASSESSMENTS; REPORT. Requires TNRCC to update the assessment required by Section 361.0232, rather than assessment. Requires TNRCC to update the assessment required by Section 361.0233 and related rules at least every four years. Prohibits the assessment, rather than assessments, and rules adopted under this section and Section 361.0232 from being applied retroactively. Requires TNRCC to submit the assessment prepared under Section 361.0232 and updated under Subsection (b) by December 1, of each even-numbered year as required by Section 5.178(b), Water Code. Requires TNRCC to submit the assessment prepared under Section 361.0233 and updated under Subsection (b) by December 1, 2000, and every four years after that date as required by Section 5.178(c), Water Code.

SECTION 6. Amends Section 361.485(a), Health and Safety Code, to make a conforming change.

SECTION 7. Amends Section 361.510, Health and Safety Code, as follows:

Sec. 361.510. New heading: REPORT. Makes a conforming change.

SECTION 8. Amends Section 371.063, Health and Safety Code, as follows:

Sec. 371.063. New heading: BIENNIAL REPORTING REQUIREMENT. Makes a conforming change.

SECTION 9. Amends Section 382.141, Health and Safety Code, to make a conforming change.

SECTION 10. Amends Section 2155.448(b), Government Code, to delete text requiring a state agency to deliver a certain report to the governor, lieutenant governor, and the speaker of the house of representatives.

SECTION 11. Amends Section 5.02, Chapter 133, Acts of the 69th Legislature, Regular Session, 1985, to requires TNRCC, rather than the Department of Water Resources, to submit by December 1 of each even-numbered year as required by Section 5.178(b), Water Code, a comprehensive report concerning certain activities. Makes a conforming changes. Sets forth information to be included in the report.

SECTION 12. Repealers: Sections 361.034 and 361.038, Health and Safety Code (Reports, Annual inspection report) and Section 26.349(b), Water Code (Reporting of releases and corrective action)

SECTION 13. Provides that the first biennial report required by Section 5.178, Water Code, as amended by this Act, is for the fiscal biennium beginning September 1, 1996, and is due December 1, 1998.

SECTION 14. Effective date: September 1, 1997.

SECTION 15. Emergency clause.