

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1133
By: Dukes (Lindsay)
Natural Resources
5-14-97
Committee Report (Substituted)

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 There are also some outdated reporting requirements. C.S.H.B. 1133 would consolidate reporting requirements for TNRCC and delete from statute reporting requirements that are obsolete.

PURPOSE

As proposed, C.S.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 Chapter 5D, Water Code, by adding Section 5.123, as follows:

Sec. 5.123. REPORT ON ENFORCEMENT ACTIONS. Requires the Texas Natural Resource Conservation Commission (TNRCC), not later than December 1 of each year, to prepare an electronic report on its enforcement actions for the preceding fiscal year, including a comparison with its enforcement actions for each of the preceding five fiscal years and provide the report to the governor, lieutenant governor, and speaker of the house of representatives. Requires the report to separately describe the enforcement actions for each type of regulatory program, including programs under Chapters 26 and 27 of this code and Chapters 361, 382, and 401, Health and Safety Code. Sets forth information required to be included in the description of enforcement actions for each type of regulatory program. Requires the attorney general to provide TNRCC information on enforcement actions referred by TNRCC to the attorney general that were resolved during the preceding fiscal year or are pending at the end of that fiscal year as soon as possible after the end of each fiscal year.

SECTION 2. Amends Section 5.178, Water Code, as follows:

Sec. 5.178. New heading: ANNUAL REPORTS; BIENNIAL APPENDIXES. Requires 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 3. 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 4. 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 5. 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 6. 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 7. Amends Section 361.485(a), Health and Safety Code, to make a conforming change.

SECTION 8. Amends Section 361.510, Health and Safety Code, as follows:

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

SECTION 9. Amends Section 371.063, Health and Safety Code, as follows:

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

SECTION 10. Amends Section 382.141, Health and Safety Code, to make a conforming change.

SECTION 11. 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 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 notwithstanding Section 5.123, Water Code, as added by this Act, a report under that section by TNRCC on its enforcement actions for the preceding fiscal year that is prepared and delivered on or before December 1, 2000, shall include a comparison with its enforcement actions for each of the preceding fiscal years beginning with the fiscal year ending August 31, 1996.

SECTION 14. 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 15. Effective date: September 1, 1997.

SECTION 16. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 5.123, Water Code, regarding a report on enforcement actions. Renumbers remaining SECTIONS.

SECTION 13.

Adds SECTION 13 regarding a report by the Texas Natural Resource Conservation Commission.