

BILL ANALYSIS

Senate Research Center
82R5471 SLB-D

S.B. 448
By: Hegar
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Commission on Environmental Quality (TCEQ) is authorized to establish rules, in order to issue permits and collect a reasonable permit fee to cover the cost of issuing permits for on-site sewage disposal systems. TCEQ is also authorized to designate a local governmental entity as its authorized agent for the purpose of issuing these permits and collecting a fee.

While TCEQ is required to charge a "reasonable permit fee" and the fees are deposited to the credit of the water resource management account, if a county or local governmental entity is the authorized agent, there are no restrictions or guidelines as to the amount of the fee the authorized agent can charge.

S.B. 448 requires that if TCEQ delegates to an authorized agent the authority to establish the amount of a permit fee for an on-site sewage disposal system, the amount of the fee that is established may not exceed the amount for a similar permit issued by TCEQ.

As proposed, S.B. 448 amends current law relating to the amount of the permit fee for an on-site sewage disposal system.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 366.058, Health and Safety Code, by adding Subsection (d), as follows:

(d) Prohibits the amount of the fee established by the authorized agent, if the Texas Natural Resource Conservation Commission (TNRCC) delegates to an authorized agent the authority to establish the amount of a permit fee under Subsection (a) (relating to TNRCC by rule establishing and collecting a reasonable permit fee), from exceeding the amount for a similar permit issued by TNRCC.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.