

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session

Date: August 15, 2014

From: Mark Harmon, Director
Intergovernmental Relations Division

Subject: Legislative Update

Issue

Discussion of legislative issues potentially affecting the TCEQ; as well as other state actions and state's participation in legislative and regulatory activities.

LEGISLATIVE IMPLEMENTATION, 83rd REGULAR LEGISLATURE, 2013												
All Projects												
Bill Type	Bill No.	Author	Caption/Description	Effective Date	Lead Office	Lead Person	IGR Contact	Rule	Guide	OPPs	Fast Track	Implementation Schedule
HB	7	Darby	Relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts.	6/14/2013	OOW	Charlie Fritz	CA	X				Completed
HB	16	Flynn	Relating to a requirement that a state agency post the results of certain audits on the state agency's Internet website.	6/14/2013	COMM	Barham Richard	FF/MH					Awaiting required guidance from State Auditor Projected completion date 9/1/2014
HB	252	Larson	Relating to water shortage reporting by water utilities and providers of wholesale water service.	9/1/2013	WTR	Elston Johnson	IJ	X				TCEQ Rulemaking (30 TAC 290): Proposal 2/26/14; Adoption: 8/6/14 TCEQ/PUC MOA: Effective 08/28/2014 target completion.
HB	480	Alvarado	Relating to leave for certain state employees who are attending educational activities of their children	6/14/2013	OAS	Cindy Jorgensen	JH			X		Completed
HB	586	Workman	Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.	9/1/2013	OAS	Greg Yturralde	FF/MH	X				The rule was proposed at the March 26th agenda and set for adoption at the August 20th agenda.
HB	677	Geren	Relating to the regulation and enforcement of dam safety by the Texas Commission on Environmental Quality.	9/1/2013	OCE	Warren Samuelson	MH		X			Completed
HB	693	Phillips	Relating to the authority of a water and sewer utility to collect voluntary contributions on behalf of a local library.	6/14/2013	WTR	Justin Taack	IJ					The TCEQ/PUC MOA is targeted for completion by 09/01/2014.

Red = Implementation Complete

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HB	738	Crownover	Relating to the review of the creation of certain proposed municipal utility districts by county commissioners courts.	9/1/2013	WTR	Justin Taack	IJ	X				TCEQ rulemaking (30 TAC 293): Proposal 5/14/14; Adoption 10/22/14; Effective 11/13/14
HB	788	Smith, W	Relating to regulation of greenhouse gas emissions by the Texas Commission on Environmental Quality.	6/14/2013	AIR	Tasha Burns	IA	X				Completed
HB	798	Thompson	Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.	9/1/2013	WST	Russell Gardner	CA	X				Completed
HB	1050	Callegari	Relating to construction-related contracts by governmental entities.	9/1/2013	WST	Justin Taack	CA	X				Rulemaking (30 TAC 293): Proposal 5/14/14; Adoption 10/22/14; Effective 11/13/14
HB	1079	Smith, W	Relating to the procedural requirements for action by the Texas Commission on Environmental Quality on applications for production area authorizations.	6/14/2013	WST	David Murry	CA	X				Proposal 5/14/2014; Adoption 11/5/2014; Revision of application forms, checklist and UIC webpage: 2/1/2015
HB	1128	Herrero	Relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.	9/1/2013	EXEC	Renee Carlson	FF/MH					8/20/2014
HB	1241	Guillen	Relating to the adoption of rules by the Parks and Wildlife Commission to protect the public water of this state.	6/14/2013	WTR	Christine Kolbe	IJ					Completed
HB	1302	Clardy	Relating to the imposition of a sentence of life without parol on certain repeat sex offenders and to certain restrictions on employment for sex offenders.	9/1/2013	WST	Russell Gardner	CA	X				Completed
HB	1487	Sheffield	Relating to the Internet posting of certain information regarding state grants.	6/14/2013	OAS	Greg Yturralde	FF/MH	X				The website has already been created and link has been provided to comptroller. The rule was proposed at the March 26th agenda and is set for adoption at the August 20th agenda.
HB	1461	Aycock	Relating to customer notification of significant water loss by a retail public utility.	9/1/2013	WTR	Justin Taack	IJ	X				Rulemaking (30 TAC 290): Proposal 5/14/14; Adoption 10/22/14; Effective 11/13/14

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HB	1600	Cook	Relating to the continuation and functions of the Public Utility Commission of Texas, to the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas.	9/1/2013	WTR	Cari-Michel Lacaille	IJ	X				TCEQ/PUC MOA: 08/01.2014 completion. Rates program transfer to the PUC: 9/1/2014. Rulemaking (30 TAC 291): 09/01/2015.
HB	1659	Thompson	Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.	9/1/2013	WST	Russell Gardner	CA	X				Completed
HB	1726	Bohac	Relating to shipping coordination services for state agencies.	6/14/2013	OAS	Greg Yturralde	FF/MH					Dependent on Comptroller Projected completion date 9/1/2014
HB	1846	Carter	Relating to suspension or denial of issuance or renewal of a license for failure to pay child support.	9/1/2013	WST	Russell Gardner	CA	X				Completed
HB	1897	Eiland	Relating to the exemption from ad valorem taxation of pollution control property.	9/1/2013	AIR	Ron Hattlett	IA	X				Rule Proposal 2/2014; Rule Adoption 8/2014
HB	1965	Harper-Brown	Relating to the state contracting duties of the quality assurance team and Contract Advisory Team.	9/1/2013	OAS	Greg Yturralde	FF/MH			X		Dependent upon receipt of guidance from QAT and CAT Projected completion date 9/1/14
HB	1973	Lucio III	Relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.	9/1/2013	WTR	Elston Johnson	IJ	X				Proposal date: 2/26/14; Adoption continued until 8/20/14; Rulemaking (30 TAC 290): Effective 8/28/14
HB	1994	Reynolds	Relating to the purchase of certain commodity items by a state agency.	9/1/2013	OAS	Greg Yturralde	JH		X			Completed
HB	2015	Davis	Relating to the proper classification of workers performing services under certain governmental contracts.	1/1/2014	OAS	Greg Yturralde	FF/MH					Completed

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HB	2152	Callegari	Relating to fees for certain recreational vehicle parks	9/1/2013	WST	Justin Taack	CA					TCEQ/PUC MOA: 09/01/2014 target completion.
HB	2290	Lozano	Relating to the retention of a portion of money received by a local government to implement a supplemental environmental project.	6/14/2013	OLS	Kathleen Decker	EL		X			Completed
HB	2305	Rodriguez	Relating to inspection of compressed natural gas containers on motor vehicles.	9/1/2013	AIR	Amy Muttoni	IA	X				Completed
HB	2422	Gonzales	Relating to consideration of cloud computing services when a state agency purchases services for a major information resources project.	6/14/2013	OAS	Thuy Cao	FF/MH					8/1/2014
HB	2615	Johnson	Relating to reporting and information availability requirements for persons impounding, diverting, or otherwise using state water.	9/1/2013	OCE	June Ella Martinez	IJ					Completed
HB	2704	Callegari	Relating to the electronic submission of bids for construction contracts for certain conservation and reclamation districts.	6/4/2013	WTR	Justin Taack	IJ	X				Rulemaking(30 TAC 293): Proposal 5/14/14; Adoption 10/22/14; Effective 11/13/14
HB	2781	Fletcher	Relating to rainwater harvesting and other water conservation initiatives.	9/1/2013	WTR	Cindy Haynie	IJ	X			X	Completed

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HB	2859	Harless	Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.	9/1/2013	AIR	Santos Oliveras	MH					Completed
HB	2873	Harper-Brown	Relating to the development of a model contract management process for use with low-risk state procurements.	1/1/2014	OAS	Greg Yturralde	FF/MH			X		Will update policies once we receive guidance from CAT Projected completion date 9/1/2014
HB	3233	Ritter	Relating to interbasin transfers of state water.	9/1/2013	WTR	Ron Ellis	IJ	X				Rulmaking (30 TAC 295): 09/2014 targeted completion.
HB	3648	Harper-Brown	Relating to the performance of certain state purchasing contracts.	6/14/2013	OAS	Greg Yturralde	JH			X		Completed
SB	138	Zaffirini	Relating to procedures for filing complaints with, and providing notice of certain violations to, the Texas Board of Professional Geoscientists.	9/1/2013	WTR	Katherine Nelson	IJ					Completed
SB	162	Van de Putte	Relating to the occupational licensing of members of the military and spouses of members of the military.	5/18/2013	WST	Russell Gardner	CA	X				Completed

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SB	176	Carona	Relating to the distribution of certain consultants' reports	6/14/2013	OAS	Greg Yturralde	JH					Completed
SB	186	Carona	Relating to the abatement of mosquitoes in stagnant water located on certain uninhabited residential property.	5/10/2013	OCE	June Ella Martinez	EL					Completed
SB	279	Watson	Relating to certain information about high-value data sets provided by state agencies to the Department of Information Resources.	9/1/2013	EXEC	Renee Carlson	JH					Completed
SB	347	Seliger	Relating to funding for the operations of the Texas Low-Level Radioactive Waste Disposal Compact Commission.	9/1/2013	WST	Bobby Janeka	CA	X				Sept. 2013 new fee codes, MOU with DSHS, 30 TAC 37.9045 Rulemaking; Sept. 2015 Volume Reduction Rulemaking; Dec. 2016 Capacity Report to the Legislature
SB	567	Watson	Relating to rates for water service, to the transfer of functions relating to the economic regulation of water and sewer service from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas.	9/1/2013	WTR	Cari-Michel Lacaille	IJ	X				TCEQ/PUC MOA: 08/01.2014 completion. Rates program transfer to the PUC: 9/1/2014. Rulemaking (30 TAC 291): 09/01/2015.
SB	634	Davis	Relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance.	9/1/2013	OCE	June Ella Martinez	EL					Completed
SB	655	Birdwell	Relating to the exercise of the power of eminent domain by certain authorized entities	5/18/2013	WTR	Kim Grona	IJ					Completed
SB	700	Hegar	Relating to energy and water management planning and reporting by state agencies and institutions of higher education.	9/1/2013	OAS	Richard Torres	FF/MH					Dependent on State Energy Conservation Office . Projected completion date 9/1/14
SB	819	Duncan	Relating to the disposal of demolition waste from abandoned or nuisance buildings by certain local governments.	6/14/2013	WST	Anthony Tatu	CA	X				Rule Proposal 1/20/2014; Rule Adoption 8/20/2014

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SB	902	Fraser	Relating to the operation, powers, and duties of certain water districts.	Sections 30 & 31 effective 05/18/2013. Remainder effective 9/1/2013.	WTR	Justin Taack	IJ	X	X			Proposal date 5/14/14; Adoption date 10/22/14; Effective 11/13/14
SB	1086	Campbell	Relating to the authority to regulate certain water and sewage utilities to ensure public safety in and around certain municipalities	9/1/2013	WTR	Elston Johnson	IJ					Proposal 2/26/14; Adoption 8/6/14; Rulemaking (30 TAC 290): Effective 8/28/14
SB	1268	Lucio	Relating to recreational vehicles and recreational vehicle parks.	9/1/2013	WTR	Justin Taack	IJ					TCEQ/PUC MOA: 08/01/2014 target completion.
SB	1300	Eltife	Relating to environmental or health and safety audits under the Texas Environmental, Health, and Safety Audit Privilege Act.	9/1/2013	OCE	David Bower	EL		X			Completed
SB	1368	Davis	Relating to contracts by certain state governmental entities that involve the exchange or creation of public information.	9/1/2013	OAS	Greg Yturralde	JH					Completed
SB	1532	Zaffirini	Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.	9/1/2013	WST	Kathryn Hoffman	CA	X				Proposal 2/2014 Adoption 8/2014
SB	1597	Zaffirini	Relating to the development of state agency information security plans.	9/1/2013	OLS	Kenley Maddux	CA			X		8/1/2014
SB	1599	Zaffirini	Relating to county and municipal land development regulation.	9/1/2013	EXEC	Steve Niemeyer	FF/MH					Projected completion date 9/1/14
SB	1610	Schwertner	Relating to the notification of individuals following a breach of security of computerized data.	6/14/2013	OLS	Kenley Maddux	CA	X				8/1/2014
SB	1727	Deuell	Relating to the use of the Texas Emissions Reduction Plan fund.	6/14/2013	AIR	Steve Dayton	IA	X				Proposal 11/6/2013; Adoption 8/20/2014
SB	1756	Uresti	Relating to the expedited processing of certain applications for permits under the Clean Air Act.	6/1/2013	AIR	Rebecca Southard	IA	X				Proposal 5/14/2014 Adoption 10/8/2014

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LEGISLATIVE IMPLEMENTATION, 82nd REGULAR LEGISLATURE, 2011

Bill Type	Bill No.	Author	Caption/Description	Effective Date	Lead Office	Lead Person	IGR Contact				Fast Track	Implementemtion Schedule
SB	1504	Seliger	Relating to the disposal of nonparty compact low-level radioactive waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.	Immediate	Waste	Hans Weger	CA	X			X	12/1/2016

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