

## Chapter VIII. 76<sup>th</sup> LEGISLATIVE SESSION CHART

LEGISLATION ENACTED IN THE 76 <sup>TH</sup> LEGISLATIVE SESSION		
Bill Number	Author	Summary of Key Provisions/Intent
HB 564	Rep. Oliveira	Requires the Governor to designate a border commerce coordinator. The coordinator may either be in the Governor's office or in the Secretary of State's office, as determined by the Governor, and the governor may choose the Secretary of State as the coordinator. The TNRCC will designate a central contact to provide any necessary assistance on regulatory matters.
HB 732	Rep. Bosse	Authorizes Harris County or any district or authority authorized to provide stormwater drainage and flood control facilities created under Section 59, Article XVI, Texas Constitution that has boundaries coterminous with Harris County to regulate compliance with NPDES stormwater permitting program. Requires the county, district or authority to, to among other things, develop, implement and enforce stormwater management guidelines, design criteria or rules to reduce discharge of pollutants guidelines.
HB 801	Rep. Uher	Establishes a new public participation system at the TNRCC by modifying standards and practices for contested case hearings. HB 801 encourages early public participation in the environmental permitting process and is intended to streamline the contested case hearing process. Requires the TNRCC to develop rules and procedures for public participation in certain permitting decisions, including requirements governing public notice and hearings. SB 402 (Sen. Armbrister) was the Senate companion.
HB 846	Rep. R. Lewis	The bill makes numerous changes to the administration and authority of water districts and river authorities created under either Section 52 (b)(1) and (2), Article III or Section 59, Article XVI, Texas Constitution.
HB 1018	Rep. Denny	Requires cities and counties to adopt ordinances and orders appropriately necessary to become eligible to participate in the National Flood Insurance Program by January 1, 2001. The TNRCC's flood plain management team would provide assistance.
HB 1069	Rep. R. Lewis	Provides for the eligibility of a water supply or sewer service corporation to be converted into a special utility district. The TNRCC will modify its rules for implementation.
HB 1074	Rep. Krusee	Requires individuals operating, in charge of, or responsible for an accidental discharge or spill from a wastewater treatment or collection facility owned or operated by a local government that may adversely affect a public or private source of drinking water to notify local government officials and local media. The agency must specify the conditions under which an individual must comply with this public notification requirement and prescribe procedures for giving the required notice. The agency must consider: (1) the nature and extent of the discharge or spill; (2) the potential effect of the spill; and (3) regional information about the susceptibility of a particular drinking water source to the pollution.
HB 1172	Rep. Chisum	Makes the state's definition of low-level radioactive waste compatible with the federal definition. This will help maintain Agreement State status with the U.S. Nuclear Regulatory Commission. The bill also caps fees that may be collected by the State from generators of low-level radioactive waste. The TNRCC will amend its rules in response.

Bill Number	Author	Summary of Key Provisions/Intent
HB 1283	Rep. Counts	Allows the TNRCC to issue general permits for storm water discharges, eliminates the 500,000 gallon per day cap, and gives TNRCC more flexibility related to newspaper notice. Provides that a general permit may authorize discharges without the submittal of a notice of intent if the commission finds that a notice of intent would be inappropriate. Provides that a general permit shall remain in effect until the commission takes final action on a renewal. Reduces the number of individual permits to be processed and expands the universe of authorizations eligible to be general permits. The TNRCC may deny or suspend a discharger's authority to discharge under a general permit based on compliance history. The TNRCC must amend its rules in order to implement. SB 504 (Sen. Brown) was the Senate companion.
HB 1479	Rep. Clark	Allows the TNRCC to approve, without holding a public hearing, an application for an amendment or renewal of a discharge permit if: (1) the applicant is not applying to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge; (2) the authorized activities will maintain or improve the quality of water discharged; (3) the applicant's compliance history raises no issues regarding ability to comply with a material term of the permit; and (4) for NPDES permits, federal program public participation requirements are met.
HB 1574	Rep. Bosse	Authorizes the TNRCC, to the extent not in conflict with state water quality standards or federal law, to issue one or more general permits for the discharge of treated sewage into or adjacent to water in the state by a sewage treatment and disposal system located in Harris County if the system produces not more than 5000 gallons of waste each day and meets certain other requirements. The TNRCC is required to specify design, operation, and maintenance requirements and establish the primary and secondary treatment requirements for a permit issued. SB 1300 (Sen. Brown) was the Senate companion.
HB 1654	Rep. Maxey	Makes violation of a TNRCC rule adopted under Chapter 366 of the Texas Health and Safety Code, or an authorized agent's order or resolution adopted under Subchapter C, Chapter 366 of the Texas Health and Safety Code a Class C misdemeanor. If it is shown that the defendant has been previously convicted of such an offense, the offense is punishable by a fine of not more than \$1000 and/or 30 days confinement. The TNRCC will revise its rules and guidance documents in order to implement.
HB 1848	Rep. T. King	Changes the composition of the Texas Groundwater Protection Committee to include a representative of the Water Well Drillers and Water Well Pump Installers Program of the Texas Department of Licensing and Regulation.
HB 2109	Rep. Bonnen	Provides limited environmental liability for taxing units that foreclose on properties with underground or aboveground storage tanks. The taxing unit would not be considered an owner or operator of the storage tanks if they foreclosed for the purpose of collecting ad valorem taxes and did not participate in the management of the tank(s) or property before foreclosure. The TNRCC will make necessary revisions to its rules to implement.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2332	Rep. R. Lewis	Provides that a drainage district is governed by a three-member board unless special law provides otherwise and provides that when a county creates a drainage district, the commissioners court will appoint three directors who will serve only until permanent directors are elected. Provides that a county commissioner's court has jurisdiction over a drainage district's proceedings only during the organization of the district. Designates the board as the entity authorizing the issuance of drainage district bonds. Establishes a consolidation of districts procedure. The TNRCC will review engineering reports from districts wishing to issue bonds.
HB 2597	Rep. McReynolds	Prohibits the TNRCC, except as specifically required to comply with federal law or regulation, to adopt a rule that lessens the efficiency of certain hospital or medical disinfectants, including rules restricting volatile organic compound content of or emissions from the disinfectant. The TNRCC will revise its rules for implementation.
HB 2619	Rep. Ramsay	Establishes the TNRCC's authority over, and standards for the collection and management of used oil filters. Includes requirements related to registration, reporting, shipment records, storage, spill prevention and control, and financial responsibility. Authorizes civil and administrative penalties for violations. Requires rules to be adopted by the TNRCC by January 1, 2000.
HB 2660	Rep. Swinford	Establishes the coordinator of the Division of Emergency Management of the Office of the Governor as the state drought manager. The drought response and monitoring committee is renamed the drought preparedness council and membership in the council is expanded. The council is required to report to the legislature not later than January 15 of each odd numbered year regarding significant drought conditions and to develop a comprehensive drought preparedness plan. Establishes a notice requirement for the declaration of a drought disaster in a county, requires a person or entity required to develop a water conservation plan or drought contingency plan to immediately implement the plan upon receipt of the notice. Provides for input from the Texas Department of Agriculture on water availability models and guidance principles for the state water plan. TNRCC will prepare a list of entities required to have a water conservation plan and a drought contingency plan, by county, so that counties could notify them to implement their plans in the event of a drought emergency.
HB 2815	Rep. Junell	Adds a compliance certification program to the storage tank program, prohibits delivery of gasoline to non-compliant tanks, and extends certain deadlines for tank owners/operators to avoid paying increased deductibles (some retroactively). Provides enforcement provisions for tank owner/operators who fail to provide compliance certification information and, for common carriers delivering fuel into unregistered or uncertified tanks. Also requires a 90-day turnaround time on reimbursement applications. Requires rulemaking. SB 1299 (Sen. Brown) was the Senate companion.
HB 2816	Rep. Junell	Lowers by 25% the fees assessed on bulk delivery of fuel, (the funding source for the petroleum storage tank remediation account), but extends the collection of the delivery fee until March 1, 2002. Adds a quarterly reporting requirement for the TNRCC to report to the Legislative Budget Board on the financial status of the fund. Specifies 6.7 percent of gross receipts for TNRCC's administrative expenses. Extends the sunset date for the reimbursement program from 2001 to September 1, 2003. The TNRCC will revise its rules accordingly.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2954	Rep. Gray	Abolishes the Texas Low-Level Radioactive Waste Disposal Authority and transfers its powers, duties, obligations, rights, contracts, records, personnel, property, and appropriations to the TNRCC on September 1, 1999. The Authority's rules continue in effect as TNRCC rules until superseded by any TNRCC rules.
HB 2965	Rep. Hilbert	Establishes the powers, duties, and financing of the North Harris County Regional Water Authority. The TNRCC will extend the same services it provides all districts. SB 700 (Sen. Lindsay) was the Senate companion.
HB 3288	Rep. Greenberg	Eliminates fees charged by TNRCC for beneficial use of Class A sludge, reducing costs for sludge disposal. The TNRCC will revise its rules accordingly.
HB 3561	Rep. Luna	Allows the Corpus Christi Bay and Galveston Bay Estuary programs to be funded by direct grant. Allows the TNRCC to make joint applications along with private entities for federal grant monies. Allows the TNRCC to pass through grant money under federal Clean Water Act grants to fund projects by non-governmental entities. The TNRCC will make necessary rule revisions. SB 1504 (Sen. Truan) was the Senate companion.
HB 3793	Rep. Averitt	Expands financing methods for the Brazos River Authority. Removes the aggregate value cap of \$100,000 from property that the authority is authorized to sell in one year. SB 1835 (Sen. Sibley) was the Senate companion.
SB 7	Sen. Sibley	The electric deregulation bill contains a number of provisions affecting the TNRCC. Requires that "grandfathered" electric generating facilities apply for air quality permits by September 1, 2000, or cease operations by May 1, 2003, unless there is good cause. Requires the TNRCC to establish regions within the state for the allocation of emission allowances under the permitting program and allows trading of those allowances within a region. The TNRCC is required to adopt rules for implementation. The TNRCC must also coordinate with the PUC.
SB 76	Sen. Truan	Requires the agency to develop a water supply model for the Rio Grande basin by December 31, 2003 to encompass significant water demands within the watershed. The model will be used for water resource planning.
SB 382	Sen. Duncan	Amends the Administrative Procedure Act to state that an order adopting a rule must contain a reasoned justification for the rule as adopted consisting solely of, rather than including, certain information. Further, the bill provides that a rule will be voidable, instead of invalid, if its adoption does not meet the requirements specified in §2001.033. Substantial compliance with the reasoned justification requirement is satisfied if the agency's reasoned justification demonstrates in a relatively clear and logical fashion that the rule is a reasonable means to a legitimate objective. A technical defect that does not result in prejudice to a person's rights or principles is not grounds for invalidation of a rule. Provides that actions may be taken by an agency before a new statute or rule takes effect. Requires the assessment of rule impacts on businesses with 20 or fewer employees.

Bill Number	Author	Summary of Key Provisions/Intent
SB 486	Sen. Brown	Removes the statutory 270-day deadline for making a solid waste facility permit application administratively complete and requires the deadline to be established by rule. Prohibits a municipality or county from prohibiting the processing or disposal of solid waste in areas for which an application has already been filed or a permit has been issued. Prohibits the TNRCC from granting a permit in an area where such activities have been banned by a municipality or county. Provides that the TNRCC may require remedial action where there is a release or imminent release of industrial solid waste from certain municipal solid waste landfills. Requires rulemaking. In addition, the TNRCC will coordinate with counties as needed.
SB 501	Sen. Shapleigh	Requires state agency strategic plans to analyze how the agency can increase its presence in the Texas-Louisiana and Texas-Mexico border regions and defines those regions. Requires development of border-specific performance measures. Similar legislation (HB 566) was filed by Rep. Oliveira.
SB 657	Sen. Brown	Deletes the requirement that the TNRCC notify all water right holders of the projected amount of water that would be available when flows are at 75% of normal and when flows are at 50% of normal. Regional water planning groups will no longer have to have water management strategies for those conditions. Instead, they would identify factors to be considered in determining whether to initiate a drought response. The bill affects the water availability modeling for water rights permitting and water planning. HB 1590 (Rep. R. Lewis) was the House companion.
SB 658	Sen. Brown	Delays time line requirements for adopting regional and state water plans by approximately 4 months (deadlines previously set for September 1, 2001 are changed to January 5, 2002). Beginning January 5, 2002, the TNRCC may not issue a water right for municipal purposes in a region without an approved regional plan unless conditions warrant waiver. HB1742 (Rep. R. Lewis) was the House companion.
SB 708	Sen. Jackson	Provides authorizing legislation for a state program to implement conservation and management plans developed under the National Estuary Program. Designates TNRCC as the lead agency. The following agencies are to provide assistance: General Land Office, the Texas Parks and Wildlife Dept., the Texas Department of Transportation, the Railroad Commission of Texas, the State Soil and Water Conservation Board, the Texas Water Development Board and the Texas Department of Health. Funding to implement approved comprehensive conservation and management plans is to be shared by the federal, state, local governments in the area of the estuaries, and other participants. Similar legislation was filed by Representatives Hawley (HB 1832) and Gray (HB 2561).
SB 757	Sen. Duncan	Amends requirements pertaining to functions of State Office of Administrative Hearings (SOAH). Clarifies purpose and duties of SOAH. Prohibits a state agency that refers a matter to SOAH from taking any adjudicative action relating to the matter, except as allowed by law, until the a proposal for decision has been issued. HB 2556 (Rep. Cuellar) was the House companion.

Bill Number	Author	Summary of Key Provisions/Intent
SB 766	Sen. Brown	Clarifies that the TNRCC can determine a de minimis level below which no air quality preconstruction authorization is necessary; allows the TNRCC to establish procedures for issuance of standard permits outside of the rulemaking process; divides the current category of exemptions from permitting into two categories--permits by rule for construction of types of facilities, and exemptions from permitting for changes to existing facilities; clarifies that the TNRCC may consolidate numerous preconstruction authorizations into a single permit; creates a voluntary emission reduction permit for grandfathered facilities that must be applied for by September 1, 2001; allows a grandfathered facility to offset excess emissions through an emission reduction project if that facility cannot reduce emissions sufficiently to meet the control requirements of a voluntary emission reduction permit; creates a multiple plant cap permit that would allow for a single permit across multiple plant sites that are controlled by a single person; and requires the TNRCC to impose an emissions fee for all emissions at major sources with grandfathered facilities (for which no application is pending by September 1, 2001), including emissions in excess of 4000 tons per year, and also requires the commission to treble emissions fees every year for emissions from any facility in excess of 4000 tons per year at those sources. Rep. Allen carried the House version (HB 2504).
SB 801	Sen. Ellis	Requires state agencies to make available through a generally accessible Internet site the text of its rules and any material, such as a letter, opinion, or compliance manual that explains or interprets one or more of its rules and that the agency has issued for general distribution to persons affected by one or more of its rules. The site must allow for the public to submit questions about the agency's rules electronically and receive the responses electronically. This bill also requires all state agencies that maintain a site to cooperate to facilitate useful electronic links among the sites. Each state agency that maintains a generally accessible Internet site is additionally required to establish the site so that the site can be located easily through electronic means. Rep. Maxey carried the House companion (HB 1657).
SB 821	Sen. Armbrister	Amends the Local Government Code to allow any county to acquire, own or operate a water or sewer utility system to serve unincorporated areas in the same manner and under the same regulations as a city under Local Government Code Chapter 402. The county must comply with those provisions in Chapter 13 of the Texas Water Code that apply to a municipality and may acquire any necessary property interest through the power of eminent domain. A county may finance utility related expenses through revenue bonds. Harris County and adjoining counties, with consent of a city, may serve within the city and issue general obligation bonds, with the approval of qualified voters, in addition to revenue bonds. Harris County and adjoining counties are allowed to use the power of eminent domain to acquire property in a city with the city's approval. HB 2214 (Rep. Olivo) was the House companion.
SB 828	Sen. Shapleigh	Allows the Commission to approve supplemental environmental projects (SEPs) on the Mexican side of the border, where it can be shown that the project would substantially benefit territory in this state. The TNRCC will make any necessary changes to its SEP policy. Rep. Haggerty carried the House version (HB 3570).

Bill Number	Author	Summary of Key Provisions/Intent
SB 873	Sen. Brown	Provides for coordination, through a Memorandum of Agreement, between the Department of Agriculture (TDA), TNRCC, and Texas Parks and Wildlife Department (TPWD) on matters related to aquaculture regulation. Requires quarantine of certain aquaculture facilities upon manifestation of disease and establishes requirements for discharges. Imposes additional requirements on new or amended commercial shrimp facility applications in the coastal zone. Establishes a 3-agency review committee of appointees from TNRCC, TDA and TPWD to review wastewater discharge authorization applications. A \$5,000 cap is imposed on the amount of wastewater inspection and clean rivers fees that may be annually assessed to an aquaculture facility annually.
SB 928	Sen. Ratliff	Authorizes payments to listed persons and businesses in specific dollar amounts. Authorizes refund of overpayments of petroleum storage tank registration fees from the Hazardous and Solid Waste Fees Account No. 0549. Appropriates a payment from the PST remediation fund for a claim of approximately \$35,000.
SB 950	Sen. Duncan	Substitutes "manufactured home" and "manufactured home rental community" for "mobile home" and "mobile home park" throughout Subchapter M, Chapter 13 of the Texas Water Code, related to submetering and allocation of water and sewer service. Directs the TNRCC to encourage submetering to enhance conservation of water resources. Manufactured home rental community owners, but not other property owners, can charge up to a 9% submetering service charge. The 9% service charge is for water costs as well as any other applicable taxes and surcharges that are charged by the retail public utility. Requires rulemaking. Rep. Cook carried the House companion (HB 2931).
SB 1252	Sen. West	Authorizes state agencies to conduct open meetings over the Internet. Requires increase in bandwidth, as well as equipment upgrades. Rep. McClendon carried the House companion (HB 1264).
SB 1298	Sen. Brown	Amends the Texas Clean Air Act provisions regarding concrete batch plants which are exempt from permitting. If the TNRCC considered modeling in creating the exemption, site-specific modeling cannot be required and may not be submitted at a contested case hearing on an exemption. Rep. Chisum carried the House companion (HB 2312).
SB 1301	Sen. Brown	Requires counties, immediately upon declaration of a state of disaster due to drought conditions, to publish newspaper notice of the declaration and give notice to the chairman of the regional water planning group in which the county is located and every entity located in the county that is required to develop or adopt a water conservation or drought plan. Each entity, upon receiving notice, must implement the water conservation or drought contingency plan. Entities are not prevented from implementing the water conservation or drought contingency plan earlier than this notice.
SB 1307	Sen. Brown	Allows TNRCC's authorized agents under the on-site wastewater program to file for injunctive relief, or civil penalty if it appears that a violation or threat of violation of Chapter 366 of the Texas Health and Safety Code, 30 TAC Chapter 285, or an order or a permit under the jurisdiction of the authorized agent has occurred or is about to occur. The TNRCC will make corresponding revisions to its rules and guidance. Rep. Bosse carried the House version (HB 2630).

Bill Number	Author	Summary of Key Provisions/Intent
SB 1308	Sen. Brown	Provides that the executive director can approve water quality management plans. An opportunity for public comment that meets the federal public participation requirements must be provided. The bill removes the requirement of a mandatory public hearing by the commission prior to approval. Interested persons are to be provided an opportunity for commission review of the executive director's decision. HB 2588 by Rep. Counts was the House companion.
SB 1310	Sen. Brown	Allows Texas Department of Agriculture (TDA) representation or input in several areas: dedication of water rights to the water trust, the water availability modeling performed by the TNRCC under Chapter 16 of the Texas Water Code; adopting guidance principles for state water planning; participating in regional water planning groups, and the priority groundwater management area designation process, including educating the area about districts. The bill also exempts activities under the jurisdiction of TDA from water quality permitting. Rep. Cook carried the House version (HB 3278).
SB 1323	Sen. Wentworth	Amends Chapters 212 and 232 of the Local Government Code by adding requirements regarding the use of groundwater for city and county approval of subdivision platting. Allows a municipality or county to require that a plat application for the subdivision of a tract of land for which the source of the water supply intended is groundwater under that land include a registered engineer's statement that adequate groundwater is available for the subdivision. TNRCC is required by rule to establish the appropriate form and content of the certification.
SB 1421	Sen. Lucio	Makes a number of changes to county regulation of subdivisions in economically distressed areas (colonias) and makes other changes to the TWDB's economically distressed areas program (EDAP). Major requirements concerning TNRCC: removes TNRCC from the list of agencies that prepare model rules to control development of colonias; exempts from requirements of a licensed plumber, any plumbing work done through an organization "certified" by the TNRCC that participates in a self-help project; requires the TNRCC to develop a standard method for determining which public utilities that apply for a certificate of convenience and necessity (CCN) are the most capable of providing service; and requires the TNRCC to make a written determination on the managerial, financial, and technical capacity of the applicant to operate a water or sewer system, on request of the TWDB, for an economically distressed area's application to the TWDB. Requires interagency coordination of colonia initiatives.
SB 1593	Sen. Brown	Designates the Allens Creek Reservoir as a site of unique value for construction of a reservoir. The Texas Water Development Board is granted the right to construct a reservoir and impound up to 500,000 acre feet. Upon application by the TWDB, the TNRCC is to reissue, without notice or hearing, the permit previously issued for the Allens Creek Reservoir. Provides that if a reservoir project which is listed as a recommended project in the current state water plan has been abandoned, voluntarily canceled, or forfeited, the commission may reissue the same permit to the TWDB without notice or hearing and with a new priority date. Requires process changes only. Rep. Counts carried the House companion (HB 3594).



Bill Number	Author	Summary of Key Provisions/Intent
SB 1594	Sen. Brown	Requires the TNRCC to market its regulatory flexibility program. Expands the universe of “small businesses” eligible for TNRCC assistance to those employing up to 250 employees. Authorizes cost-sharing for environmental compliance assessments. The TNRCC will revise its rules and guidance accordingly. Rep. Cook carried the House version (HB 3303).
SB 1911	Sen. Brown	Creates 13 groundwater conservation districts in all or part of 17 counties in various parts of the state which are subject to ratification by the 77th Legislature and subsequent voter confirmation elections.
SCR 18	Sen. Nixon	Authorizes Anderson Columbia Environmental to sue the TNRCC. The House companion was HCR 110 by Hilbert.
SCR 33	Sen. Ratliff	Authorizes Gibson Recycling, Inc. to file a claim against the TNRCC with the State Office of Administrative Hearings. The House companion was HCR 118 by Telford.
SCR 72	Sen. Ratliff	Authorizes Dean Lumber, Inc. to sue the TNRCC.

**LEGISLATION NOT PASSED IN THE 76TH LEGISLATIVE SESSION**

<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions/Intent</b>
HB 55	Rep. Cuellar	Created state agency to promote economic development in the border region. TNRCC would have served on an oversight commission and provided staff support. The bill was never considered in committee.
HB 131	Rep. McClendon	Required the Texas Feed and Fertilizer Control Service to adopt rules relating to the inclusion of toxic heavy metals, toxic chemicals, and radioactive and industrial wastes in commercial fertilizers distributed in Texas, and authorized the service to prohibit the inclusion of such materials if necessary to protect crops, livestock, or public health. TNRCC would have developed MOU with agency to address jurisdictional overlap. Was referred to a subcommittee in the House.
HB 235/SB 904	Rep. Puente/ Sen. Ellis	Created separate Office of Natural Resource Public Interest Counsel and provided for transfer of functions, personnel, and funding from TNRCC to new office. Both bills were left pending in their respective committees.
HB 349	Rep. Wolens	Established stranded cost recovery mechanisms for electric utilities. Allowed for recovery of air pollution control equipment used to retrofit a grandfathered facility. The TNRCC air permits program would have made operational changes. Stranded cost issues were addressed in SB 7.
HB 399	Rep. Puente	Gave a corporation a tax credit for donating land to a governmental entity or nonprofit organization whose primary purpose is protection of the environment, where all or a portion of the land is located in a recharge zone over an aquifer. The TNRCC would have revised its Supplemental Environmental Project policy. Bill was left pending in House committee.
HB 432	Rep. Turner	Provided for legislative review and gubernatorial suspension of state agency rules. TNRCC would have factored this into rule development and coordination with the legislature. The bill was passed out of committee but never placed on a House Calendar.
HB 437	Rep. Luna	Gave the existing Upton County Water District the powers and duties of a groundwater district under Subchapter D of Chapter 36 of the Water Code. It would also have taken in a portion of a TNRCC designated priority groundwater management area into the district, removing the area from consideration for a district confirmation election initiated by the TNRCC. The bill was never heard in committee.
HB 473	Rep. Dukes	Prohibited siting and construction of hazardous waste, hazardous substance, and large bulk fuel storage facilities within 5 miles of a school, place of business, or place of worship. Enforceable by county attorney or Attorney General. The TNRCC would have adopted rules to incorporate the Act's prohibitions. Additionally, the federally delegated RCRA program would have been impacted. Left pending in House committee.

Bill Number	Author	Summary of Key Provisions/Intent
HB 532	Rep. Puente	Required the creation of an "environmental hotline" through the Commission's Office of Public Assistance, and established a system of rewards for persons who report information that substantially contributes to the assessment of a penalty for violation of an environmental law. The TNRCC would have adopted rules to authorize payments and set aside portion of penalties to fund program. Agency would also have had to determine if a tip substantially contributed to closing a case. Bill addressed by rider in HB 1.
HB 533	Rep. Puente	Authorized a transfer of water from a river basin to another river basin in the same regional water planning area. Required the agency to amend interbasin transfer rules. Left pending in House committee.
HB 630	Rep. Gallego	Authorized an electric cooperative in a border county to provide water and sewer services if it complies with all requirements of a public utility under Chapter 13, Water Code. The water and sewer service would have been provided directly or through an affiliate. Required the TNRCC to regulate electric cooperatives like public utilities in border counties. Left pending in House committee.
HB 644	Rep. Flores	Modified development requirements in colonias and removed Travis County as a venue for enforcement of the model subdivision rules. Would have required the TNRCC to coordinate with the Attorney General on any lawsuits to enforce colonias regulation. The bill was never considered in the House committee. SB 1421 (Lucio) became the primary colonias bill during session.
HB 674	Rep. Gallego	Provided for the LLRWDA to contract with a person to act on the authority's behalf for a number of responsibilities, including filing a license application, constructing a facility, and operating the LLRW disposal facility. Also provided requirements for closure, decommissioning, post-closure, and long-term institutional controls. Eliminated Sierra Blanca siting provision and restructures the financing for the authority, the contractor, and the facility. Would have required the TNRCC to review a disposal license once submitted. While this bill was left pending, portions of it were addressed by HB 1171.
HB 925	Rep. Janek	Required state agencies to provide a license holder of the name of a person who files a complaint against the license holder. Required rulemaking for procedural requirements and development of corresponding guidance. Left pending in House committee. The bill was opposed by professional entities such as nurses, as well as the Trial Lawyers Association.
HB 1028	Rep. S. Turner	Established state policy concerning siting of solid waste facilities in pre-existing low-income, minority, or other communities and requires the minimization of adverse impacts. Required the agency, in an administrative proceeding involving the siting, expansion, or operation of a facility in the local area in which other facilities are located, to consider evidence submitted by an affected party relating to cumulative risks from other facilities in the area. The agency would also have adopted rules to implement policies to protect the public from cumulative risks. Left pending in House committee. Similar, though not identical, to SB 259 by Sen. West.
HB 1171	Rep. Chisum	Modified management of low-level radioactive waste management in Texas by allowing a private entity to apply for a disposal license (issued by TNRCC) and authorizing the acceptance of Department of Energy waste (with limitations). The TNRCC could have potentially processed more than one disposal license application. The Senate amendments were not called up by the House.

Bill Number	Author	Summary of Key Provisions/Intent
HB 1287	Rep. Hilderbran	Required regulatory agencies to consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the permit is filed. Federally delegated or approved programs were exempt. The bill passed the House, but was never considered by Senate committee.
HB 1378	Rep. Naishtat	Required TNRCC, working jointly with the Texas Department of Agriculture, to conduct a study and prepare a legislative report for the 77th Legislative Session. The study would have evaluated the resources needed to establish an information system on the use of pesticides that could affect drinking water sources. The study would assess costs, identify potential funding, and examine measures needed to develop information about pesticide applications in Texas. The bill would have required the agencies to consult with a wide range of stakeholders and would allow the use of an advisory committee for this purpose. The bill was left pending in the House committee.
HB 1493	Rep. Alexander	Exempted certain dual-chambered incinerators from the requirement of being equipped with an emissions monitoring device otherwise required by 111.127(a) or similar rule. Required rulemaking and revisions to guidance. Bill was left pending in House committee because the issue could be addressed through rulemaking.
HB 1550	Rep. Chisum	Modified inspection and maintenance program to change the vehicles affected by the program, create an accelerated vehicle retirement program, and provide for financial assistance to low-income individuals. Required the agency to adopt rules and coordinate with TxDOT and DPS on program implementation. Left pending in House committee. Bill was opposed by automotive interests and the Tax Assessor/Collector Association.
HB 1573	Rep. Bailey	Required Harris County to adopt a water and sewer service plan and established what the plan must include. Required the TNRCC to impose penalties for noncompliance. The bill passed the House but was not considered in the Senate.
HB 1645/SB 143	Rep. Puente/ Sen. Brown	Repealed requirement that an interbasin transfer is junior in priority to water rights granted before the application for transfer is accepted for filing. Required processing of more applications for interbasin transfers. SB 143 was passed by the Senate, but both bills were left pending in the House committee.
HB 1658	Rep. Gallego	Abolished the Texas Department of Licensing and Regulation and transferred programs. Transferred the regulation of water well drillers back to the TNRCC. Bill was never considered in House committee.
HB 1693	Rep. Keel	Modified existing law which allows the owner of a contiguous tract of land of 500 acres or greater to designate that tract as a water quality protection zone. The proposal amended the law to allow a zone designation to be amended from time to time by adding or deleting land from the zone. The TNRCC (using reasonable terms and conditions) would terminate a zone upon application by the owners or authorized parties. The bill increased the population limits of cities that qualify under the law from 5000 to greater than 10,000. Required rulemaking and would have resulted in an increase of applications processed by the agency. The bill was left pending in the House committee. However, the bill was similar to SB 1165 (Sen. Wentworth), which passed.

Bill Number	Author	Summary of Key Provisions/Intent
HB 1789	Rep. Luna	Exempted from a water use permit, construction of a dam or reservoir with normal storage of not more than 200 acre feet of water for purposes of wildlife management, including fishing. Changed traditional law of riparian rights by allowing a person to have an exempt reservoir on another person's non-riparian property and expanded the traditional exemption away from domestic and livestock use to commercial fishing and wildlife management uses. Required rulemaking and impacts the water availability modeling requirements of SB 1. Passed the House but never considered by the Senate.
HB 1823	Rep. Yarbrough	Established a scrap tire recycling program. Required the development of a new tire program, requiring an electronic reporting system, enforcement standards, and grant processes. Left pending in House committee.
HB 1900/SB 898	Rep. R. Lewis/ Sen. Brown	Allowed the water loan assistance fund to be used for grants for agricultural water conservaton, weather modification, and brush control. Would have required TNRCC to process more weather modification applications. The Senate version passed the Senate but was left pending in the House committee.
HB 1910	Rep. Chisum	Provided for the use of assured isolation as a management strategy for low-level radioactive waste. Assured isolation licensing authority is vested with TDH; TNRCC jurisdiction remained over disposal. Established a perpetual care fund. Authorized a private entity to apply for a disposal license. TNRCC would have to review a disposal application (s). Passed the House but was left pending by the Senate committee. Some provisions were placed in HB 1171 and HB 1172.
HB 1931/SB 794	Rep. Maxey/ Sen. Ellis	Provided for the review and automatic expiration of a state agency's rules on its sunset date. Required the TNRCC to complete its review of its rules by 9/1/01. The House bill was left pending in the House committee. The Senate bill passed committee but was never placed on the Intent Calendar. Rules review covered by SB 178 (Ratliff).
HB 1953/ SB 1802	Rep. Maxey/ Sen. Barrientos	Would have allowed the TNRCC to adopt risk assessment-based remediation rules only if specific conditions were met (e.g. a carcinogenic risk level of no greater than one in a million is allowed in historically or disproportionately impacted communities). The House bill was left pending in the House committee. The Senate bill was not considered in committee.
HB 2087/SB 889	Rep. Goodman/ Sen. Harris	Prohibited the TNRCC from requiring DFW Airport to find emissions offsets from sources not under its direct control for purposes of compliance with General Conformity with the SIP. Would have required revisions to the SIP. The House bill was left pending in the House committee. The Senate version was passed by the Senate committee but withdrawn from the Senate Intent Calendar.
HB 2106	Rep. Chavez	Prohibited siting a new hazardous waste management facility or a new unit at an existing facility within 100 km. of the Mexican border. Required corresponding rules. The bill was left pending in the House committee, but certain provisions were added to HB 1171 and HB 1910, which did not pass either.
HB 2134	Rep. Solomons	Prohibits construction of a new concrete batch plant within one mile of a school whose administration objects to the construction in writing and in a timely manner. The bill was reported to Calendars Committee but never placed on a House Calendar.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2155	Rep. Yarbrough	Created the Texas State Board of Mechanical Industries (TSBMI) and abolished certain existing regulatory boards, commissions, and councils and transferred their functions to a nine member (governor appointed) board. The following TNRCC programs and functions would have been transferred to the TSBMI: the Landscape Irrigators/Installers (LI) Programs under Chapter 34 of the Water Code; the Environmental Standards for Plumbing Fixtures under Chapter 372 of the Health and Safety Code; and the Backflow Prevention Assembly Testers (BPAT), Customer Service Inspectors(CSI), and the Residential Water Treatment Operators (RWTO) programs. The bill was vetoed by the Governor.
HB 2182	Rep. Dutton	Allowed a legislative continuance of a contested case hearing. Required rulemaking. The bill was left pending in House committee.
HB 2273	Rep. R. Lewis	Limited the TNRCC's authority to conduct 401 certifications of Section 404 permits issued by the U.S. Army Corps of Engineers. The TNRCC would waive certification under specified conditions. Bill also established deadlines for completion of reviews that are performed. Required rulemaking and revision of 401 guidance. Bill was never considered, but was similar to HB 2977 (Hamric), which was passed.
HB 2390/ SB 1800	Rep. Maxey/ Sen. Barrientos	Provided for permitting of facilities formerly exempted from air permitting requirements (grandfathered facilities). Facilities would have to apply to the TNRCC by June 1, 2001. Bill established hearing, technology, and permit processing time line requirements. Required rulemaking to effectuate introduction of these facilities into the permitting system. The House bill was left pending in the House committee. The Senate bill was not considered by the Senate committee.
HB 2446	Rep. Kuempel	Re-established a scrap tire processing, use, and disposal program. Required TNRCC to re-develop tire program, including guidance, grant procedures, and inspections. Left pending in House committee.
HB 2498	Rep. Farabee	Required counties to establish a county one-stop service program to provide information and all county approvals for construction of residential or commercial property. Impacted the on-site sewage facility requirements. Required the TNRCC to amend its on-site rules. The bill was left pending in House committee.
HB 2623	Rep. Maxey	Created a regulatory program for aquatic pesticide use in the state. Required TNRCC, in coordination with TPWD and TDA, to adopt rules governing aquatic pesticide use. The commission would have issued permits for aquatic pesticide application in public water bodies, determine practical non-chemical pest control strategies, provide for public notice and enforcement, and ensure the pesticide application will not result in exceeding maximum contaminant levels for drinking water. Required development of a new regulatory program, including permitting and enforcement provisions. The bill was left pending in House committee.
HB 2796	Rep. Alexander	Modified statutes relating to water utility regulation. Required rulemaking. The bill was not considered by House committee.

Bill Number	Author	Summary of Key Provisions/Intent
HB 2808/ SB 1311	Rep. R. Lewis/ Sen. Brown	This bill would have: 1) consolidated emergency and enforcement provisions relating to water rights, dam safety, flood plain management, rates and public drinking water into Chapters 5 and 7, Water Code, respectively; 2) provided for coordinated management planning of districts within the same PGMA; 3) streamlined the issuance of temporary water rights permits by executive director registration for not more than 25 AF/year; and 4) distinguished the issuance of an emergency water right permit from an emergency transfer of water by authorizing them under separate sections in the Water Code. The Senate bill was sent to the House Calendars Committee but was not set on a Calendar.
HB 2849	Rep. Solis	Exempted districts that are located entirely in a county that borders Mexico and that provide domestic water and sewer services for three or more municipalities and to a population of 5,000 or more from having to obtain TNRCC approval before issuing bonds. Would have reduced the number of bond applications received by the TNRCC. The bill was left pending in the House committee. A similar bill, SB 1612 by Sen. Lucio, was also left pending in the Senate.
HB 2887	Rep. Bailey	Prohibited construction or improvement of any property located within 500 feet of a water well or septic tank in Harris County. It applied only in the unincorporated area the county. Required rule changes. The bill was never considered in committee.
HB 2901	Rep. Counts	Provided for an interim select committee to study the regulation of the Edward Aquifer region and imposed a moratorium on the enforcement of pertinent TNRCC rules. Required enforcement procedural changes. The bill passed committee but was not placed on a House Calendar.
HB 2902	Rep. Counts	Required the development of management plans from state agencies having management and control over lands within the boundaries of a Priority Groundwater Management Area that chooses not to be included a district. Required new rulemaking to establish a reporting program and method of calculating historic groundwater pumpage. Water Quality Division would have had to create and maintain a new set of records containing the use reports. The bill was not considered in committee.
HB 2977	Rep. Hamric	Intended to encourage and facilitate the development of a regional flood control plan in Harris County by the Harris County Flood Control District (HCFCD) by requiring TNRCC to waive certification until 9/1/2001 for projects in a district that has notified the commission that a plan is being developed. Reviews necessary to maintain delegation or approval of a federally delegated or approved program were exempt. TNRCC was also required to develop through rules an expedited review process for projects identified by the plan as suitable for development, or for infrastructure projects in flood-prone areas not suitable for development. Finally, the bill directed TNRCC to promote in-lieu fees as compensatory mitigation to be used toward the purchase of land in flood-prone areas not suitable for development. The bill was enrolled but vetoed by the Governor.

Bill Number	Author	Summary of Key Provisions/Intent
HB 3082/ SB 1188	Rep. Telford/ Sen. Armbrister	Amended the Texas Tax Code by clarifying the motor fuel tax currently collected by the Comptroller. The bill provided that an employee of the TNRCC, as well as employees from the AG's Office, the Department of Agriculture, a peace officer, or the Comptroller, may take samples of motor fuel to determine whether taxes have been paid. Required guidance document. Both bills were left pending in their respective committees.
HB 3085/SB 488	Rep. Hamric/ Sen. Lindsay	Added a municipality's extraterritorial jurisdiction (ETJ) to the area where counties may require and issue licenses for operation and maintenance of facilities used to process, store, or dispose of solid waste, other than hazardous waste, and where counties may designate land as suitable for use as solid waste facilities. Prohibited a municipality from limiting the siting of a solid waste disposal facility in the municipality's ETJ, unless the governing body of the county in which the facility is located consents to the municipality's action. Specified that a commissioners court may regulate solid waste collection, handling, storage, and disposal in any area of the county, including the ETJ, that is not within a municipality's territorial limits. Required revision of application review processes to ensure consistency with TNRCC rules as they refer to "compliance" with other statutes. The House version was left pending in the House committee. The Senate version was not considered in committee.
HB 3119	Rep. Chisum	Required at least half of the revenue generated by the (MSW) Solid Waste Fee be dedicated to the commission's municipal solid waste permitting and enforcement programs and related support activities and to pay for all activities that will enhance the state's solid waste management program. Eliminated the requirement that half of the revenue be allocated to local and regional solid waste projects. Required determination of whether to continue a Regional Solid Waste Grant Program in coordination with the Councils of Government. The bill was left pending in the House committee.
HB 3124	Rep. Chisum	Provided for review of state agency rules by comptroller. Required coordination with the comptroller. Bill was left pending in the House committee.
HB 3129	Rep. Chisum	Provided the TNRCC with authority to exempt entities from commission rules or from statutory licensing requirements related to disposal in those instances when disposal would not constitute a significant risk to public health. The bill was left pending in the House committee.
HB 3131	Rep. Chisum	Amended Section 11.042(c) of the Texas Water Code which establishes the bed and banks authorizations for discharging and conveying water to another point downstream. The amendment allowed that if water--including wastewater--is discharged into the watercourse in accordance with the conditions of a TNRCC discharge permit " no other public or private authorization" would be needed to use the watercourse for such purposes. Required rulemaking. The bill was referred to a sub-committee.



Bill Number	Author	Summary of Key Provisions/Intent
HB 3132	Rep. Chisum	Established a scrap tire fund and provided for enforcement and clean-up of tire sites. Bill passed the House, but it was tagged before it was heard in the Senate committee.
HB 3137/ SB 1037	Rep. F.Brown/ Sen. Ogden	Allowed a municipality to provide water or sewer service to a area certificated by another utility if the territory or customers are not receiving service from the retail public utility that holds a certificate for the territory at the time the territory is first included in the municipality. Required rulemaking. Neither bill was heard in its respective committee.
HB 3245/ SB 1732	Rep. Allen/ Sen. Brown	Extended the current property tax abatement credit allowed for pollution control equipment to other types of taxes. It also extended existing tax exemptions for installation of pollution control equipment to grandfathered facilities. The Utilities Code was also modified to allow timely recovery of costs associated with the installation of pollution control equipment which meets 10 year old BACT. Required expansion of current Prop. 2 program. Neither bill was heard in its respective committee.
HB 3281	Rep. Maxey	Authorized any state agency that receives information about violations of environmental laws to provide a statistical summary of that data to regulated industries to try to prevent future violations. Required database modifications to produce required reports. Required determination of what constitutes “common or significant” violations. Bill was left pending in the Senate committee.
HB 3381	Rep. Hilderbran	Exempted drinking water systems at youth camps licensed by the Texas Department of Health (TD) from regulation by TNRCC under Water Code Chapter 341, Subchapter C (standards for public water systems). Required MOU with TD in order to retain primacy to enforce the Safe Drinking Water Act. The bill was left pending in the Senate committee.
HB 3400/SB 938	Rep. Green/ Sen. Armbrister	Amended Section 26.181 of the Texas Water code to prohibit a municipality--that has any part of its ETJ in a county that has at least one groundwater conservation district, and that is not the county in which the majority of the territory inside the municipality's corporate district is located--from enforcing a water pollution control and abatement program or regulating or controlling nonpoint source water pollution in any part of the municipality's extraterritorial jurisdiction that is located in the county. The city would have been able to enforce these programs in the county if it had the written consent of the county and the groundwater conservation districts. Required rulemaking. The House bill was not considered by the House committee. The Senate bill was not set on the House Calendar.
HB 3410/ SB 1733	Rep. R. Lewis/ Sen. Brown	Modified the general powers and authority of water districts. Required rulemaking. The House bill was left pending in the House committee. The Senate bill was not set on a House Calendar.

Bill Number	Author	Summary of Key Provisions/Intent
HB 3483	Rep. Kuempel	Re-established a scrap tire storage, processing, and disposal program. Required development of new system for disbursements, contracts, and inspections. Required rulemaking. The bill was left pending in the House committee. A similar Senate bill, SB 1645 by Senator Madla, was never considered by the Senate committee.
HB 3560/ SB 1505	Rep. Luna/ Sen. Truan	Added Government Code, Section 771.002(4), to define "state or federal agency" as an agency of this state, another state, or the federal government. Modified various other provisions in the Interagency Cooperation Act to incorporate the change in terminology resulting from this new definition. Provided that Texas agencies that receive services or goods from an agency of another state or the federal government must reimburse such agencies as provided in the terms of the contract. The Senate bill was passed by the Senate but could not be voted out of the House committee before the final deadlines.
HB 3610	Rep. Burnam	Added a new subtitle to the Tax Code to collect a pollution tax. This tax would be based on emissions from industrial plant sites which emit at least 1,000 tons of regulated air pollutants and have permits. The funds collected would be deposited to the Clean Air Fund. Required coordination with the Comptroller on emissions levels. The bill was left pending in the House committee.
HB 3678	Rep. Kuempel	This bill laid out the requirements for amending a permit due to: 1) modification of an existing permitted facility or 2) adding a new facility at a permitted site for which the overall emissions do not increase or change in character. The requirements were similar to the existing requirements for permits and permit amendments in Health and Safety Code, Section 382.0518, except that the option for a contested case hearing is not included. The procedure outlined in the bill closely resembles the current NSRP practice of not requiring public notice for modifications of existing facilities which result in insignificant emission increases. The bill was passed out of committee but could not be set on a House Calendar before the deadline. A similar bill in the Senate, SB 1845 by Sen. Bivins, was not considered by the Senate committee.
HB 3726	Rep. Bailey	The bill created Chapter 42 of the Utilities Code, titled "Rights and Protection of Electric Energy Consumers and Electric Energy Workers". Among other things, the bill required a distributor or supplier of electricity to provide on the face of its bill a table showing the amount of air contaminants emitted in generating the electricity used by the consumer. Required TNRCC to: (1) create standards for emission of air contaminants on an emissions per kilowatt-hour basis; (2) adopt emission standards for nitrogen oxide, sulfur dioxide and carbon dioxide that must be met by Dec. 31, 2004; (3) adopt emission limitations for carbon dioxide that must decrease each year in order to bring emissions of CO2 down to 380 million tons in the year 2010; (4) eliminate by rule the use, production or disposal of mercury by rule by an electric generator by January 1, 2010; (5) reduce by rule the amount of radiation produced radioactive waste by 2% each year for high-level waste and 5% each year for low-level waste; (6) reduce by rule the amount of hazardous substances produced by electric generators. The bill was left pending in the House committee.
HB 3738	Rep. Eiland	Provided for the creation of Coastal County Conservation Districts. Required updating guidance for new districts. The bill was left pending in the Senate committee.

Bill Number	Author	Summary of Key Provisions/Intent
HB 3749	Rep. Dukes	Required Waste Management, Inc., to take any necessary action to remediate releases from the closed portion of its Austin landfill. The bill itself was not set on a House Calendar. However, its essential provisions were added to SB 486 (Sen. Brown).
HB 3777	Rep. Luna	Required the Sunset Commission to review global warming issues during its review of the TNRCC. The bill was left pending in the House committee.
HB 3781	Rep. Cuellar	Amended Subtitle B, Title 7, Local Government Code to allow a county to enact ordinances to protect the public health, safety, or welfare and that adopted ordinances apply only to the unincorporated areas of a county. The bill specified that if a conflict exists between municipal and county ordinances, the municipal ordinance prevails. The bill also provided penalties for violation of enacted ordinances. The bill was not intended to supersede TNRCC requirements. It was left pending in the House committee.
HB 3802	Rep. Hilbert	Required water districts within Harris County entering into a contract for surface water to obtain TNRCC approval of the transaction. Required operational and rulemaking changes. The bill passed the House but was not heard by a Senate committee.
HB 3824	Rep. J.Solis	Exempted the Laguna Madre Water District in Cameron County from the commission bond review authority found in Water Code 49.181. Similar to SB 1611 (Sen. Lucio). No action was taken on either bill in its respective committee
SB 259	Sen. West	Established state policy concerning siting of solid waste facilities in pre-existing low-income, minority, or other communities and requires the minimization of adverse impacts. Required the agency, in an administrative proceeding involving the siting, expansion, or operation of a facility in the local area in which other facilities are located, to consider evidence submitted by an affected party relating to cumulative risks from other facilities in the area. The agency would also have had to adopt rules to implement policies to protect the public from cumulative risks. Finally, required the TNRCC to make land-use compatibility determinations. Similar, but not identical, to HB 1028 (Rep. S. Turner). The bill was never considered in the Senate committee.
SB 304	Sen. Truan	Required eight state agencies, including the TNRCC, to designate a deputy-level colonia coordinator for colonia initiatives. Required coordination with the state agencies and impacts regions. The bill was reported from committee but not placed on the Senate Intent Calendar. SB 1421 (Sen. Lucio) was the primary colonia bill during session.
SB 305	Sen. Brown	Allowed state agencies, including TNRCC, to enter into contracts to reduce water use in its own facilities. The bill was left pending in the Senate committee.
SB 433	Sen. Ratliff	Allowed all owners of passenger cars or light trucks to register their vehicles for a designated period of 12, 24, or 36 months. Impacted enforcement of the inspection/maintenance program. The bill was referred to a subcommittee in the Senate.

Bill Number	Author	Summary of Key Provisions/Intent
SB 487	Sen. Brown	Removed the statutory deadline for making a solid waste facility permit application administratively complete and requires the deadline to be established by rule. The bill was not passed because its provisions were addressed by SB 486 (Sen. Brown).
SB 509	Sen. Brown	Modified the innocent landowner program by clarifying what needs to be included in a site investigation report which is necessary in applying for a certificate. The bill resulted from an interim study conducted by the Senate Natural Resources Committee. The bill was reported from the House committee but was never placed on a House Calendar.
SB 715/SB 914	Sen. Truan/ Sen. Shapleigh	The bills amended Water Code Section 17.927(b) to require the TNRCC, upon request of the Texas Water Development Board (TWDB), to make a written determination of the managerial, financial, and technical capability of an Economic Distressed Area Program applicant to operate the water or wastewater system for which assistance is being requested. The individual bills were not passed, but the provisions were placed in SB 1421 (Sen. Lucio).
SB 802	Sen. Ellis	Amended Section 16.054 of the Water Code by requiring that when a local water resource management, water conservation, or drought plan is submitted to the regional water planning group, under this section, the implementation of a desalinization program shall be considered if practical. Required staff review of any desalination program submitted as part of a water conservation or drought contingency plan. The bill was not considered by the Senate committee.
SB 958	Sen. Barrientos	Required the Commission to establish a uniform system of public notice for all applications filed with the commission for permits, renewals, and amendments. These requirements were to be uniform across all programs and consistent with federal law and legislative goals. In contrast to current practice in some programs, the bill required initial notice of application within 10 days of application filing. An additional notice would have been required after a draft is prepared but before final action by the commission. Notice would be required in both English and Spanish in areas which the majority of people speak Spanish. Content of the notices and specific recipients were defined as well. Required rulemaking and procedural changes to implement new notice requirements. The bill was not considered in the Senate committee.
SB 1174	Sen. Wentworth	Amended Chapter 232 of the Local Government Code, by adding Subchapter D - Alternate Subdivision Platting Requirements in Priority Groundwater Management Areas. The bill provided subdivision platting requirements (which are more extensive than the general platting requirements set out in Subchapter A of Chapter 232, Local Government Code and supplemented by Section 35.109, Water Code) applicable to land subdivided into 4 or more lots intended for primarily residential use which is located within the jurisdiction of a county and within a priority groundwater management area. The bill also required the subdivision's water and sewer service facilities comply with the model subdivision rules adopted by the TNRCC under Section 16.343 or 35.019, Water Code. Required definition of minimum state standards. The bill was reported out of the House committee and placed on the General State Calendar. However, the bill was not considered before the House deadline.

Bill Number	Author	Summary of Key Provisions/Intent
SB 1190	Sen. Harris	Amended Section 11.142 of the Water Code by adding a new paragraph authorizing the Executive Director of the TNRCC to file suit in District Court if the commission has reason to believe that a violation or threat of violation of this section which allows, without a permit, construction of dams or reservoirs for domestic and livestock purposes, or for surface coal mining, and allows taking of water from the Gulf of Mexico for oil & gas production. The bill was not considered by the Senate committee.
SB 1306	Sen. Brown	Made the state definition of hazardous waste consistent with the federal definition. Required rule change. The bill passed the House committee but was not placed on a House Calendar.
SB 1309	Sen. Brown	Amended the Water Code to help implement enforcement streamlining recommendations made by the Senate Natural Resources Committee. Required rulemaking. The bill was placed on the General State Calendar in the House but was not taken up before the deadline for consideration.
SB 1317	Sen. Armbrister	Required the state to opt into the federal clean fuel fleet program as opposed to continuing its current substitution program as directed by the last legislative session. Existing authority for the substitute program would be superseded. The TNRCC would have been required to determine which of its current fleet program statutes and rules would be superseded and report to the Governor, Lt. Governor, and Speaker of the House by September 1, 2000. The bill was not considered in the Senate committee.
SB 1433	Sen. Duncan	Authorized the TNRCC to assess penalties and interest on delinquent fees and unpaid recoverable costs owed to the TNRCC. The bill was placed on the General State Calendar in the House but was not taken up before the deadline for consideration.
SB 1434	Sen. Duncan	Required the comptroller to credit the amount due to the person claiming the refund against any other amount due to the state from the person, and refund the remainder. This bill authorized the comptroller to transfer money from one fund or account to another for issuance of the credit or refund. The bill was enrolled but vetoed by the Governor, who noted that its provisions were addressed by HB 3211.
SB 1456	Sen. West	Prohibited any facility that emits air contaminants and is within two miles of a school and "grandfathered" under Section 382.0518(g), from operating after January 1, 2003, unless an emissions reduction plan is submitted to the commission, BACT is incorporated into the facility, and a permit has been obtained for the facility. The commission would have had to adopt rules to implement this legislation by January 1, 2000, and applicants would have had to submit emission reduction plans by January 1, 2001. Rejected plans would have to be resubmitted to the commission within 120 days of rejection. Required the TNRCC to adopt criteria. The bill was not considered in the Senate committee.

Bill Number	Author	Summary of Key Provisions/Intent
SB 1471	Sen. Ratliff	Prohibited the TNRCC from adopting rules which might increase the use of MTBE unless the following conditions were met: (1) TNRCC performs a comprehensive environmental and economic analysis; and (2) certifies to the legislature's Natural Resources committees that the rule would reduce ozone by at least 25% of the reduction needed to meet the federal standard in each county and that the benefits outweigh the costs. The bill was not considered in the Senate committee.
SB 1476	Sen. Brown	Repealed exemptions from the special procedural and substantive requirements for interbasin transfers of 3,000 AF/year or less, to a county or city that straddles a basin line, for an emergency transfer, or for a transfer to an adjoining coastal basin. No action was taken by the Senate committee.
SB 1773	Sen. Zaffirini	Amended the Proposition 2 program to specify that an application for an ad valorem tax exemption must be filed before the property is placed into service. The bill was not considered by the Senate committee.
SCR 56	Sen. Lindsay	Encouraged the TNRCC to eliminate duplication between its Section 401 water quality certification program and the review conducted by the U.S. Army Corps of Engineers. The legislation was vetoed by the Governor.
SR 928	Sen. Armbrister	Required the TNRCC to create a select committee to review the regulation of the Edwards Aquifer. The bill was considered in the Senate committee but not reported.

**STUDIES REQUIRED BY LEGISLATION OR APPROPRIATIONS RIDERS  
76<sup>TH</sup> LEGISLATIVE SESSION**

<b>Legislation/Rider</b>	<b>Study</b>
HB 1 (Junell) Article VI, TNRCC Appropriation, §16	Bosque River Water Quality Monitoring. Requires the TNRCC, as part of its water assessment and planning, to monitor the Bosque River's water quality.
HB 1 (Junell) Article VI, TNRCC Appropriation, §24	Agency Coordination/Scrap Tires. Requires the TNRCC and the Texas Department of Transportation (TXDOT) to coordinate their efforts on the acquisition and potential uses of crumb rubber and shredded tire pieces in highway construction. Requires the TNRCC and TXDOT to report to their respective legislative committees by January 1 of each fiscal year.
HB 1 (Junell) Article VI, TNRCC Appropriation, §30	Assessment of Poultry Operations. Requires the TNRCC to study the best management practices for poultry growing operations of all types. Study must include how to minimize odor and arsenic contamination, as well as a cost-benefit analysis of any recommended best management practices. Due to the Governor and Legislature on or before December 1, 2000.
HB 1 (Junell) Article VI, TNRCC Appropriation, §32	Air Pollution/Haze Study. Requires the TNRCC to study air pollution along the Texas/Mexico border, with particular emphasis on Big Bend National Park. Must include assessment of causes, effects, and possible remedies. Must be concluded before January 1, 2001.
HB 1 (Junell) Article VI TLLRWDA Appropriation, §3	Techniques for Managing Low-Level Waste. Requires the TNRCC to investigate techniques for managing low-level radioactive waste, including, but not limited to, above-ground isolation facilities. Originally a requirement of the Texas Low-Level Radioactive Waste Disposal Authority. Transferred to TNRCC as a result of HB 2954 (Gray).
HB 2660 (Swinford)	Drought Response. Requires the drought preparedness council chaired by the coordinator of the Governor's Division of Emergency Management, to prepare a drought preparedness plan and report to the Legislature by January 15 of each odd-numbered year regarding significant drought conditions.
HB 3079 (Kuempel)	Aquatic Vegetation. Requires the TNRCC, along with the Department of Agriculture and other entities, to assist the Texas Parks and Wildlife Department (TPWD) in the development of a state-wide aquatic vegetation management plan. There are no current plans, however, for TPWD to develop this plan because no appropriation was made.
SB 76 (Truan)	Rio Grande Water Supply Model. Requires the TNRCC, by December 31, 2003, to develop or obtain an updated water supply model of the Rio Grande River, taking into consideration the unique geology and hydrology for the region.
SCR 68 (Armbrister)	Disaster Assistance. Creates a committee to examine ways to improve disaster assistance after flooding and other natural disasters. The Governor's Division of Emergency Management serves as chair. The TNRCC has a representative on the committee. A report is due to the Legislature by January 2001.