

## **BILL ANALYSIS**

Senate Research Center

S.B. 738  
By: Lucio  
Natural Resources  
3/30/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current Texas law addresses the need for an emergency order when facilities are damaged during a catastrophe. However, the statute does not address the need for emergency orders to authorize the repair or rebuilding of infrastructure.

As proposed, S.B. 738 allows the Texas Commission on Environmental Quality to issue emergency orders to authorize the temporary relocation and repair or reconstruction of public works projects that have been damaged or destroyed due to acts of nature or emergencies.

### **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 5.515, Water Code, as follows:

Sec. 5.515. EMERGENCY ORDER BECAUSE OF CATASTROPHE. (b) Authorizes action for an order issued under this section for public works projects needed to rebuild or repair damaged roads, bridges, or other infrastructure destroyed during a catastrophe.

(d) Requires an applicant desiring an emergency order under this section to submit an application under Section 5.502 that, in addition to complying with that section states that the construction and emissions are essential to prevent loss of life, serious injury, severe property damage, loss of a critical transportation thoroughfare, or severe economic loss not attributable to the applicant's actions and are necessary for the addition, replacement, or repair of a facility or control equipment, or repair or replacement of roads, bridges, or other infrastructure, necessitated by the catastrophe.

(e) Redefines "catastrophe."

SECTION 2. Effective date: upon passage or September 1, 2005.