

BILL ANALYSIS

Senate Research Center

H.B. 1433
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Natural Resources
5/5/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The proposed legislation provides funding for the Texas Commission on Environmental Quality's water programs and reduces reliance on general revenue in the legislative appropriations process. This bill raises the statutory cap for the annual water quality fee for wastewater discharge permit holders and water right users through permit or contract from \$75,000 to \$150,000. The maximum annual fee that can be imposed against a wastewater discharge or treatment facility that holds a water right for the use of water is also increased to \$150,000.

H.B. 1433 amends current law relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.

[**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

Rulemaking authority previously granted to Texas Natural Resource Conservation Commission is modified in SECTION 1 (Section 26.0291, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.0291(e), Water Code, as follows:

(e) Provides that beginning September 1, 2009, the maximum amount of a fee under this section is \$100,000. Requires the Texas Natural Resource Conservation Commission (TNRCC), on September 1 of each subsequent year, to adjust the maximum fee amount as necessary to reflect the percentage change during the preceding year in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, published monthly by the United States Bureau of Labor Statistics, or its successor in function. Prohibits the amount of the fee, notwithstanding any adjustment for inflation under this subsection, from exceeding \$150,000, rather than \$75,000, for each permit or contract and the maximum annual fee under this section for a wastewater discharge or waste treatment facility that holds a water right for the use of water by the facility is \$150,000. Makes conforming and nonsubstantive changes.

SECTION 2. Effective date: September 1, 2009.