

BILL ANALYSIS

Senate Research Center
79R7632 SMH-F

H.B. 2949
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Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law grants authority to the Texas Commission on Environmental Quality (TCEQ) to issue an emergency order to allow immediate action to facilitate the repair of, replacement of, or addition to facilities that have been damaged or made inoperable by a catastrophic event. However, TCEQ has little or no authority to grant an emergency order for the replacement of facilities in need of repair, or to replace roads, bridges, or make other infrastructure improvements that are needed as a result of a catastrophe.

H.B. 2949 allows TCEQ 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 unforeseen acts of nature or other 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 Sections 5.515(a), (b), (d), and (e), Water Code, as follows:

- (a) Authorizes the Texas Commission on Environmental Quality (TCEQ) to issue an emergency order authorizing immediate action for the repair or replacement of roads, bridges, or other infrastructure improvements necessitated by a catastrophe occurring in this state and the emission of air contaminants during the addition, replacement, or repair of those facilities, that equipment, or those improvements if the actions and emissions are otherwise precluded under Chapter 382 (Clean Air Act), Health and Safety Code.
- (b) Provides that an order issued under this section may authorize action only for a public works project needed to repair or replace a damaged road, bridge, or other infrastructure improvement 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. Makes a conforming change.
- (e) Redefines "catastrophe."

SECTION 2. Effective date: September 1, 2005.