

BILL ANALYSIS

Senate Research Center
76R932 MI-D

S.B. 1433
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Natural Resources
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As Filed

DIGEST

Currently, Texas law authorizes the Texas Natural Resource Conservation Commission (commission) to establish by rule consistent requirements for the assessment of penalties and interest for late payment of fees owed the state under the commission's jurisdiction. Penalties and interest established under this authority may not exceed the rates established for delinquent taxes under the Tax Code. S.B. 1433 would authorize assessment of certain penalties and interest by the Texas Natural Resource Conservation Commission.

PURPOSE

As proposed, S.B. 1433 authorizes assessment of certain penalties and interest by the Texas Natural Resource Conservation Commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5D, Water Code, by adding Section 5.125, as follows:

Sec. 5.125. PENALTIES AND INTEREST ON DELINQUENT FEES. Authorizes the Texas Natural Resource Conservation Commission (commission) to collect certain penalties for a delinquent fee due the commission under this code or the Health and Safety Code. Provides that interest accrues beginning on the 61st day after the day on which the fee was due, on the total amount of fee and penalties that have not been paid on or before the 61st day after the day on which the fee was due, unless otherwise provided by law. Provides that the yearly interest rate is the rate of interest established for delinquent taxes under Section 111.060, Tax Code. Authorizes the executive director for a good cause to waive a penalty or interest on a fee and penalties authorized by this section. Requires penalties and interest collected by the commission under this section or under other law, unless that law otherwise provides, to be deposited to the credit of the fund or account to which the fee is required to be deposited.

SECTION 2. Amends Chapter 26G, Water Code, by adding Section 26.2651, as follows:

Sec. 26.2651. INTEREST ON UNPAID BALANCE OF RECOVERABLE COSTS. Authorizes the commission to collect interest in the unpaid balance of costs recoverable under Section 26.265. Provides that interest accrues beginning on the date that the payment of a specified amount is demanded in writing or the date the expenditure occurred, whichever is later. Provides that the interest rate on the unpaid balance of the amounts recoverable is the same as the rate established by the commission under Section 361.140, Health and Safety Code. Requires interest collected to be deposited to the credit of the account.

SECTION 3. Amends Chapter 26I, Water Code, by adding Section 26.3551, as follows:

Sec.26.3551. INTEREST ON UNPAID BALANCE OF RECOVERABLE COSTS. Authorizes the commission to collect interest in the unpaid balance of costs recoverable under Section 26.265. Provides that interest accrues beginning on the date that the payment of a specified amount is demanded in writing or the date the expenditure occurred, whichever is later. Provides that the interest rate on the unpaid balance of the amounts recoverable is the same as the rate established

by the commission under Section 361.140, Health and Safety Code. Requires interest collected under this subsection to be deposited to the credit of the petroleum storage tank remediation account.

SECTION 4. Amends Section 361.197, Health and Safety Code, by adding Subsection (e), to authorize the commission to collect interest on the unpaid balance of costs recoverable under Subsections (b) and (c). Provides that interest accrues beginning on the date that the payment of a specified amount is demanded in writing or the date the expenditure occurred, whichever is later. Provides that the interest rate on the unpaid balance of the amounts recoverable is the same as the rate established by the commission under Section 361.140, Health and Safety Code. Require penalties and interest collected under this section to be deposited to the credit of the hazardous and solid waste remediation fee account.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Emergency clause.