

Amend CSHB 7 by striking Section 9.01 of the bill and substituting:

SECTION 9.01. (a) It is the policy of this state to be effective and efficient with public funds, to provide for effective and efficient management of natural resources, to provide for effective and consistent enforcement of state and federal laws, to protect the health and safety of the people of this state, to promote fair economic development, and to serve the people of this state by making the government more visible, accessible, coherent, consistent, and accountable to the people of this state. The legislature finds that the Texas Commission on Environmental Quality's procedures for processing permits is cumbersome, confusing, lengthy, and inefficient for citizens, business, political subdivisions, and the commission and finds that the commission's procedures for assessing and enforcing penalties for noncompliance with state and federal environmental laws may need to be updated and strengthened to deter noncompliance.

(b) The Texas Commission on Environmental Quality's permitting and enforcement processes warrant, and the legislature directs, an in-depth evaluation, including the identification of problems, potential options, and solutions. The evaluation must solicit and consider input from all stakeholders, and the evaluation process must include public hearings and the opportunity for submission of written and oral comments. At least two of the public hearings must be held in affected communities outside the greater Austin area. The solutions identified in the final assessment of the commission's permitting and enforcement processes must ensure that:

(1) all relevant environmental protection standards are maintained at a level that at least equals the current level;

(2) the commission's permitting processes are streamlined;

(3) the commission's permitting processes are user-friendly to citizens and promote sound economic development;

(4) the commission's enforcement procedures and penalties for noncompliance reflect any potential economic benefit to the offender;

(5) the commission's enforcement procedures account for the full cost to human health of noncompliance;

(6) the division of responsibility between the commission and the office of the attorney general is efficient and effectively obtains the maximum degree of environmental compliance possible; and

(7) all stakeholder concerns are considered.

(c) The comptroller of public accounts shall conduct the evaluation and final assessment required by Subsection (b) of this section and shall submit the comptroller's findings not later than December 1, 2004, to the governor, the lieutenant governor, the speaker of the house of representatives, the Texas Commission on Environmental Quality, and the presiding officer of the standing committee of each house of the legislature that has primary jurisdiction over environmental issues.

(d) It is the intent of the legislature to effectuate the appropriate solutions through legislation at the earliest opportunity after receipt of the comptroller's final assessment.