

By: Fraser

S.B. No. 521

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the period for which the Texas Commission on
3 Environmental Quality may grant or renew an emergency authorization
4 relating to the use of state water.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 11.139, Water Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) Except as provided by Section 11.148 ~~[of this code]~~, the
10 commission may grant an emergency permit, order, or amendment to an
11 existing permit, certified filing, or certificate of adjudication
12 after notice to the governor for an initial period of not more than
13 two years ~~[120 days]~~ if the commission finds that:

14 (1) emergency conditions exist which present an
15 imminent threat to the public health and safety and which override
16 the necessity to comply with established statutory procedures; and

17 (2) there are no feasible practicable alternatives to
18 the emergency authorization.

19 (a-1) The commission may renew an ~~[Such]~~ emergency
20 authorization granted under Subsection (a) ~~[action may be renewed~~
21 ~~once]~~ for successive periods of not longer than one year each ~~[60~~
22 ~~days]~~. The commission may provide for automatic renewals of an
23 authorization for periods of not longer than one year each.

24 SECTION 2. (a) Except as provided by Subsection (b) of this

1 section, the change in law made by this Act applies only to an
2 application for an emergency authorization or renewal of an
3 emergency authorization that is submitted to the Texas Commission
4 on Environmental Quality on or after the effective date of this Act.
5 An application for an emergency authorization or renewal of an
6 emergency authorization that is submitted to the commission before
7 the effective date of this Act is governed by the law in effect
8 immediately before the effective date of this Act, and that law is
9 continued in effect for that purpose.

10 (b) If on or after the effective date of this Act a person
11 submits to the Texas Commission on Environmental Quality an
12 application for the renewal of an emergency authorization that was
13 granted by the commission before the effective date of this Act, the
14 commission may renew the emergency authorization once for a period
15 of not longer than one year.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.