

1-1 By: Zaffirini S.B. No. 766
1-2 (In the Senate - Filed January 13, 2025; February 7, 2025,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 5, 2025, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; March 5, 2025, sent to printer.)

1-6	COMMITTEE VOTE				
1-7		Yea	Nay	Absent	PNV
1-8	Birdwell	X			
1-9	Zaffirini	X			
1-10	Alvarado	X			
1-11	Blanco	X			
1-12	Flores	X			
1-13	Hancock	X			
1-14	Hughes	X			
1-15	Parker	X			
1-16	Sparks			X	

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the correction of references to the Texas Natural
1-20 Resource Conservation Commission.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 76.001, Agriculture Code, is amended by
1-23 adding Subdivision (4-a) to read as follows:

1-24 (4-a) "Commission" means the Texas Commission on
1-25 Environmental Quality.

1-26 SECTION 2. Sections 76.003(b), (c), and (d), Agriculture
1-27 Code, are amended to read as follows:

1-28 (b) A pesticide may be included on a list of
1-29 state-limited-use pesticides if the department determines that,
1-30 when used as directed or in accordance with widespread and commonly
1-31 recognized practice, the pesticide requires additional
1-32 restrictions to prevent unreasonable risk to man or the
1-33 environment, taking into account the economic, social, and
1-34 environmental costs and benefits of use of the pesticide. However,
1-35 the department shall not place a pesticide on the state-limited-use
1-36 list solely on the basis of actual damage or risk of damage to water
1-37 quality without first obtaining approval from the commission [~~Texas~~
1-38 ~~Natural Resource Conservation Commission~~] based on the impact of
1-39 the pesticide's use on water quality.

1-40 (c) The department shall formally request an opinion
1-41 regarding impact on water quality from the commission [~~Texas~~
1-42 ~~Natural Resource Conservation Commission~~] during department
1-43 consideration of any amendments to the current list of
1-44 state-limited-use pesticides.

1-45 (d) At the direction of the commission [~~Texas Natural~~
1-46 ~~Resource Conservation Commission~~] in conjunction with its
1-47 responsibilities pursuant to Chapter 26, Water Code, the department
1-48 shall consider any formal request to add any pesticide to the
1-49 state-limited-use list under Subsection (b), and the department
1-50 shall issue regulations regarding the time, place, and conditions
1-51 of such pesticide's use.

1-52 SECTION 3. Section 76.004(b), Agriculture Code, is amended
1-53 to read as follows:

1-54 (b) Any rules adopted by the department for the purpose of
1-55 protection or enhancement of water quality shall not be
1-56 inconsistent with nor less stringent than rules adopted for the
1-57 protection or enhancement of water quality by the commission [~~Texas~~
1-58 ~~Natural Resource Conservation Commission~~] pursuant to
1-59 recommendations of the Texas Groundwater Protection Committee.

1-60 SECTION 4. Sections 76.007(b), (c), (d), and (e),
1-61 Agriculture Code, are amended to read as follows:

(b) The commission [~~Texas Natural Resource Conservation Commission~~] shall have principal authority to regulate and control water pollution. If the United States Environmental Protection Agency adopts a final rule requiring states to implement a state management plan for pesticides in groundwater, the department shall cooperate with the Texas Groundwater Protection Committee in the committee's development and implementation of federally mandated state management plans for pesticides in groundwater in accordance with Section 26.407, Water Code.

(c) The department shall seek advice from the commission [~~Texas Natural Resource Conservation Commission~~], the Parks and Wildlife Department, the Texas Department of Health, and the Texas Agricultural Extension Service in reviewing applications for special local need or emergency pesticide registrations. The department shall act expeditiously to review any application for special local need or emergency pesticide registrations.

(d) The department shall give written notice to the commission [~~Texas Natural Resource Conservation Commission~~] whenever it has probable cause to believe that serious contamination of water has occurred as a result of use, misuse, manufacture, storage, or disposal of pesticides so that the commission [~~Texas Natural Resource Conservation Commission~~] may proceed with an investigation of a possible violation of the Water Code.

(1) If the commission [~~Texas Natural Resource Conservation Commission~~] determines that a violation of the Water Code has occurred, the commission shall seek the remedies provided by the Water Code.

(2) If the department determines that a violation of the Agriculture Code has occurred regarding the use, manufacture, storage, or disposal of pesticides, the department shall seek the remedies provided by this code.

(3) The foregoing remedies shall not be mutually exclusive.

(e) The commission [~~Texas Natural Resource Conservation Commission~~] shall give written notice to the department whenever it has probable cause to believe that serious contamination of water has occurred as a result of the use, misuse, storage, disposal, or manufacture of pesticides so that the department may proceed with an investigation to determine if a violation of the Agriculture Code has occurred.

(1) If the department determines that a violation of the Agriculture Code has occurred, the department shall seek the remedies provided by this code.

(2) If the commission [~~Texas Natural Resource Conservation Commission~~] determines that a violation of the Water Code has occurred, the commission [~~Texas Natural Resource Conservation Commission~~] shall seek the remedies provided by the Water Code.

(3) The foregoing remedies shall not be mutually exclusive.

SECTION 5. Section 76.131(a), Agriculture Code, is amended to read as follows:

(a) The department may adopt rules governing the storage and disposal of pesticides and pesticide containers for the purpose of:

(1) preventing injury from storage or disposal to man, vegetation, crops, or animals; and

(2) preventing any water pollution that is harmful to man or wildlife provided, however, that such rules be consistent with and not less stringent than commission [~~Texas Natural Resource Conservation Commission~~] rules adopted under Chapter 26, [~~of the~~] Water Code.

SECTION 6. Section 76.132, Agriculture Code, is amended to read as follows:

Sec. 76.132. DISPOSAL OF PESTICIDE. The department, in coordination with the commission [~~Texas Commission on Environmental Quality~~] and the Texas A&M AgriLife Extension Service, shall organize pesticide waste and pesticide container collection activities statewide. The department, the commission

[~~Texas Commission on Environmental Quality~~], and the Texas A&M AgriLife Extension Service may contract for the services of contractors that are licensed in the disposal of hazardous waste under Section 401.202, Health and Safety Code, or other contractors to implement the pesticide waste and pesticide container collection activities and facilitate the collection of canceled, unregistered, or otherwise unwanted pesticide products and pesticide containers.

SECTION 7. Section 134.001(8), Agriculture Code, is amended to read as follows:

(8) "New aquaculture facility" means a commercial aquaculture facility whose owner or operator initially sought waste discharge authorization from the Texas Natural Resource Conservation Commission after January 19, 1999, or the Texas Commission on Environmental Quality after December 31, 2003.

SECTION 8. Section 201.006(f), Agriculture Code, is amended to read as follows:

(f) The state board or a conservation district may disclose information relating to water quality complaints or compliance failures to the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality under Section 201.026.

SECTION 9. Section 201.027, Agriculture Code, is amended to read as follows:

Sec. 201.027. ENFORCEMENT REFERRAL RECORDS. (a) The state board shall maintain detailed records about each state board referral of an agricultural or silvicultural operation to the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality for enforcement.

(b) Records maintained under Subsection (a) must include information regarding the final disposition of the referral by the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality, including any enforcement action taken against the agricultural or silvicultural operation.

SECTION 10. Section 418.122(a), Government Code, is amended to read as follows:

(a) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality and other state agencies, in conjunction with the division, shall keep land uses and construction of structures and other facilities under continuing study and shall identify areas that are particularly susceptible to severe land shifting, subsidence, flooding, or other catastrophes.

SECTION 11. Section 660.203(a), Government Code, is amended to read as follows:

(a) An individual is entitled to reimbursement for the actual expense of meals and lodging incurred while performing the duties of the individual's office or employment if the individual is:

(1) a judicial officer;
(2) a chief administrative officer of a state agency, subject to Subsection (c);
(3) the executive director of the Texas Legislative Council;

(4) the secretary of the senate;
(5) a member of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality, the Texas Workforce Commission, the Public Utility Commission of Texas, the Board of Pardons and Paroles, or the Sabine River Compact Administration; or

(6) a full-time member of a board and receives a salary from the state for service on that board.

SECTION 12. Section 1501.251, Government Code, is amended to read as follows:

Sec. 1501.251. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a municipality:

(1) that has a population of more than 275,000;
(2) in which a majority of the qualified voters voting in an election have voted to authorize the municipality to contract with a river authority created under Section 59, Article XVI, Texas Constitution, to acquire a water supply project from that

4-1 authority; and

4-2 (3) that holds a permit issued by the Texas [~~Natural~~
4-3 ~~Resource Conservation~~] Commission on Environmental Quality for the
4-4 municipality to use the water supply.

4-5 SECTION 13. Section 2166.404(a), Government Code, is
4-6 amended to read as follows:

4-7 (a) The commission, in consultation with the Texas [~~Natural~~
4-8 ~~Resource Conservation~~] Commission on Environmental Quality, the
4-9 Texas Department of Transportation, and the Industry Advisory
4-10 Committee, by rule shall adopt guidelines for the required use of
4-11 xeriscape on state property associated with the construction of a
4-12 new state building, structure, or facility that begins on or after
4-13 January 1, 1994, including a project otherwise exempt from this
4-14 chapter under Section 2166.003.

4-15 SECTION 14. Section 362.004(a), Health and Safety Code, is
4-16 amended to read as follows:

4-17 (a) This chapter does not limit the authority of the Texas
4-18 [~~Natural Resource Conservation~~] Commission on Environmental
4-19 Quality or a local government to:

4-20 (1) perform a power or duty provided by other law; or
4-21 (2) adopt and enforce rules to carry out duties under
4-22 Chapter 361 (Solid Waste Disposal Act).

4-23 SECTION 15. Sections 363.004(2) and (3), Health and Safety
4-24 Code, are amended to read as follows:

4-25 (2) "Commission" means the Texas [~~Natural Resource~~
4-26 ~~Conservation~~] Commission on Environmental Quality.

4-27 (3) "Executive director" means the executive director
4-28 of the Texas [~~Natural Resource Conservation~~] Commission on
4-29 Environmental Quality.

4-30 SECTION 16. Section 364.011(c), Health and Safety Code, is
4-31 amended to read as follows:

4-32 (c) A rule adopted under this section may not authorize an
4-33 activity, method of operation, or procedure that is prohibited by
4-34 Chapter 361 (Solid Waste Disposal Act) or by rules of the Texas
4-35 [~~Natural Resource Conservation~~] Commission on Environmental
4-36 Quality.

4-37 SECTION 17. Section 365.011(1), Health and Safety Code, is
4-38 amended to read as follows:

4-39 (1) "Approved solid waste site" means:
4-40 (A) a solid waste site permitted or registered by
4-41 the Texas [~~Natural Resource Conservation~~] Commission on
4-42 Environmental Quality;

4-43 (B) a solid waste site licensed by a county under
4-44 Chapter 361; or

4-45 (C) a designated collection area for ultimate
4-46 disposal at a permitted or licensed municipal solid waste site.

4-47 SECTION 18. Section 365.013(a), Health and Safety Code, is
4-48 amended to read as follows:

4-49 (a) The Texas [~~Natural Resource Conservation~~] Commission on
4-50 Environmental Quality shall adopt rules and standards regarding
4-51 processing and treating litter disposed in violation of this
4-52 subchapter.

4-53 SECTION 19. Section 366.002(2), Health and Safety Code, is
4-54 amended to read as follows:

4-55 (2) "Commission" means the Texas [~~Natural Resource~~
4-56 ~~Conservation~~] Commission on Environmental Quality.

4-57 SECTION 20. Section 369.001(1), Health and Safety Code, is
4-58 amended to read as follows:

4-59 (1) "Commission" means the Texas [~~Natural Resource~~
4-60 ~~Conservation~~] Commission on Environmental Quality.

4-61 SECTION 21. Sections 370.002(2) and (4), Health and Safety
4-62 Code, are amended to read as follows:

4-63 (2) "Commission" means the Texas [~~Natural Resource~~
4-64 ~~Conservation~~] Commission on Environmental Quality.

4-65 (4) "Executive director" means the executive director
4-66 of the Texas [~~Natural Resource Conservation~~] Commission on
4-67 Environmental Quality.

4-68 SECTION 22. Section 371.003(3), Health and Safety Code, is
4-69 amended to read as follows:

(3) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 23. Section 383.003(5), Health and Safety Code, is amended to read as follows:

(5) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 24. Section 384.001(1), Health and Safety Code, is amended to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 25. Section 384.012, Health and Safety Code, is amended to read as follows:

Sec. 384.012. POWERS AND DUTIES. An organization shall have the authority to:

(1) receive and use funds;

(2) have an account at the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality Air Emission Reduction Credit Bank;

(3) acquire emission reduction credits through purchase, donation, or other means;

(4) transfer emission reduction credits by sale or other means;

(5) identify, evaluate, promote, initiate, and facilitate potential projects and strategies to generate emission reduction credits;

(6) provide financial assistance for projects to generate emission reduction credits;

(7) employ staff;

(8) enter into contracts; and

(9) consider sustainability of projects.

SECTION 26. Section 388.002(5), Health and Safety Code, is amended to read as follows:

(5) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 27. Section 389.001, Health and Safety Code, is amended to read as follows:

Sec. 389.001. DEFINITION. In this chapter, "commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 28. Section 401.415(d), Health and Safety Code, is amended to read as follows:

(d) The Railroad Commission of Texas shall consult with the department and the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality as appropriate regarding administration of this section.

SECTION 29. Section 753.008(a), Health and Safety Code, is amended to read as follows:

(a) The Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality:

(1) has concurrent jurisdiction with the board regarding the inspection of initial installation and other administrative supervision of aboveground tanks authorized and regulated by this chapter;

(2) ~~[The Texas Natural Resource Conservation Commission]~~ has the primary authority for inspection of initial installation of the tanks; and

(3) ~~[The Texas Natural Resource Conservation Commission]~~ shall report all violations of this chapter in regard to aboveground storage tanks to the state fire marshal for enforcement proceedings.

SECTION 30. Section 42.024(b), Local Government Code, is amended to read as follows:

(b) The governing body of an adopting municipality may by resolution include in its extraterritorial jurisdiction an area that is in the extraterritorial jurisdiction of a releasing municipality if:

(1) the releasing municipality does not provide water, sewer services, and electricity to the released area;

(2) the owners of a majority of the land within the

6-1 released area request that the adopting municipality include in its
6-2 extraterritorial jurisdiction the released area;

6-3 (3) the released area is:

6-4 (A) adjacent to the territory of the adopting
6-5 municipality;

6-6 (B) wholly within a county in which both
6-7 municipalities have territory; and

6-8 (C) located in one or more school districts, each
6-9 of which has the majority of its territory outside the territory of
6-10 the releasing municipality;

6-11 (4) the adopting municipality adopts ordinances or
6-12 regulations within the released area for water quality standards
6-13 relating to the control or abatement of water pollution that are in
6-14 conformity with those of the Texas ~~[Natural Resource Conservation]~~
6-15 Commission on Environmental Quality applicable to the released area
6-16 on January 1, 1995;

6-17 (5) the adopting municipality has adopted a service
6-18 plan to provide water and sewer service to the area acceptable to
6-19 the owners of a majority of the land within the released area; and

6-20 (6) the size of the released area does not exceed the
6-21 difference between the total area within the extraterritorial
6-22 jurisdiction of the adopting municipality, exclusive of the
6-23 extraterritorial jurisdiction of the releasing municipality, on
6-24 the date the resolution was adopted under this subsection, as
6-25 determined by Section 42.021, and the total area within the
6-26 adopting municipality's extraterritorial jurisdiction on the date
6-27 of the resolution.

6-28 SECTION 31. Sections 42.024(c)(1), (3), and (4), Local
6-29 Government Code, are amended to read as follows:

6-30 (1) The service plan under Subsection (b)(5) shall
6-31 include an assessment of the availability and feasibility of
6-32 participation in any regional facility permitted by the Texas
6-33 ~~[Natural Resource Conservation]~~ Commission on Environmental
6-34 Quality in which the releasing municipality is a participant and
6-35 had plans to provide service to the released area. The plan for
6-36 regional service shall include:

6-37 (A) proposed dates for providing sewer service
6-38 through the regional facility;

6-39 (B) terms of financial participation to provide
6-40 sewer service to the released area, including rates proposed for
6-41 service sufficient to reimburse the regional participants over a
6-42 reasonable time for any expenditures associated with that portion
6-43 of the regional facility designed or constructed to serve the
6-44 released area as of January 1, 1993; and

6-45 (C) participation by the adopting municipality
6-46 in governance of the regional facility based on the percentage of
6-47 land to be served by the regional facility in the released area
6-48 compared to the total land area to be served by the regional
6-49 facility.

6-50 (3) If the adopting municipality, the releasing
6-51 municipality, and any other participant in any regional facility
6-52 described in this subsection fail to reach agreement on the service
6-53 plan within 60 days after the service plan is delivered, any
6-54 municipality that is a participant in the regional facility or any
6-55 owner of land within the area to be released may appeal the matter
6-56 to the Texas ~~[Natural Resource Conservation]~~ Commission on
6-57 Environmental Quality. The Texas ~~[Natural Resource Conservation]~~
6-58 Commission on Environmental Quality shall, in its resolution of any
6-59 differences between proposals submitted for review in this
6-60 subsection, use a cost-of-service allocation methodology which
6-61 treats each service unit in the regional facility equally, with any
6-62 variance in rates to be based only on differences in costs based on
6-63 the time service is provided to an area served by the regional
6-64 facility. The Texas ~~[Natural Resource Conservation]~~ Commission on
6-65 Environmental Quality may allow the adopting municipality, the
6-66 releasing municipality, or any other participant in any regional
6-67 facility described in this subsection to withdraw from
6-68 participation in the regional facility on a showing of undue
6-69 financial hardship.

(4) A decision by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality under this subsection is not subject to judicial review, and any costs associated with the commission's review shall be assessed to the parties to the decision in proportion to the percentage of land served by the regional facility subject to review in the jurisdiction of each party.

SECTION 32. Section 43.0712(b), Local Government Code, is amended to read as follows:

(b) Upon resumption of the functions of the special district:

(1) the municipality shall succeed to the contractual rights of the developer to be reimbursed by the special district for the utilities the municipality acquires from the developer; and

(2) the special district shall resume the use of the utilities acquired and paid for by the municipality and shall thereafter acquire the utilities from the municipality and reimburse the municipality for amounts the municipality paid the developer. The payment to the municipality shall be governed by the requirements of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 33. Section 304.001(f), Local Government Code, is amended to read as follows:

(f) A political subdivision corporation may appear on behalf of its incorporating political subdivisions before the Public Utility Commission of Texas, the Railroad Commission of Texas, the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, any other governmental agency or regulatory authority, the Texas Legislature, and the courts.

SECTION 34. Section 395.080, Local Government Code, is amended to read as follows:

Sec. 395.080. CHAPTER NOT APPLICABLE TO CERTAIN WATER-RELATED SPECIAL DISTRICTS. (a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

(1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality; or

(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

SECTION 35. Section 552.044(8), Local Government Code, is amended to read as follows:

(8) "Service area" means the municipal boundaries and any other land areas outside the municipal boundaries which, as a result of topography or hydraulics, contribute overland flow into the watersheds served by the drainage system of a municipality; provided, however, that in no event may a service area extend farther than the boundaries of a municipality's current extraterritorial jurisdiction, nor, except as provided by Section 552.0451, may a service area of one municipality extend into the boundaries of another municipality. The service area is to be established in the ordinance establishing the drainage utility. Provided, that no municipality shall extend a service area outside of its municipal boundaries except:

(A) a municipality of more than 500,000

population located within 50 miles of an international border;

(B) a municipality all or part of which is located over or within the Edwards Aquifer recharge zone or the Edwards Aquifer transition zone, as designated by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality; or

(C) as provided by Section 552.0451.

SECTION 36. Section 562.012(f), Local Government Code, is amended to read as follows:

(f) A county and a district that contract under this section must submit the contract to the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality for approval. The commission shall examine the contract to assure that the interests of the residents of the district are served and protected. A county may not enter a contract that the commission determines would jeopardize the quality of service provided by a district to the persons residing in the district. The commission may submit suggested changes to the parties for inclusion in the contract before the commission gives its approval.

SECTION 37. Section 580.001, Local Government Code, is amended to read as follows:

Sec. 580.001. WATER CONTRACTS IN BORDER MUNICIPALITIES AND COUNTIES. The governing body of a municipality or county that has a boundary that is contiguous with the border between this state and the Republic of Mexico may contract for the acquisition of water or water rights with a border municipality or state in the Republic of Mexico if the contract is approved and monitored by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality and the International Boundary and Water Commission, United States and Mexico.

SECTION 38. Sections 33.203(7) and (19), Natural Resources Code, are amended to read as follows:

(7) "Coastal wetlands" means wetlands, as the term is defined by Section 11.502, Water Code, located:

(A) seaward of the coastal facility designation line established by rules adopted under Chapter 40;

(B) within rivers and streams, to the extent of tidal influence, as shown on the Texas Commission on Environmental Quality's ~~[Natural Resource Conservation Commission's]~~ stream segment maps, excluding the portion of the Trinity River located in Liberty County;

(C) within one mile of the mean high tide of the portion of river and stream described by Paragraph (B), except as provided by Paragraphs (D) and (E);

(D) in the case of wetlands bordering the portion of the Trinity River to which Paragraph (B) applies:

(i) within the area located between the mean high tide line on the western shoreline of that portion of the river and Farm-to-Market Road 565 and Farm-to-Market Road 1409; or

(ii) within the area located between the mean high tide line on the eastern shoreline of that portion of the river and Farm-to-Market Road 563; or

(E) in the case of wetlands bordering the portion of the Neches River described by Paragraph (B):

(i) within one mile from the mean high tide line of the western shoreline of that portion of the river described by Paragraph (B); or

(ii) within the area located between the mean high tide line on the eastern shoreline of that portion of the river and Farm-to-Market Road 105.

(19) "Water under tidal influence" means water in this state, as defined by Section 26.001(5), Water Code, that is subject to tidal influence according to the Texas Commission on Environmental Quality's ~~[Natural Resource Conservation Commission's]~~ stream segment map. The term includes coastal wetlands.

SECTION 39. Section 33.2051(b), Natural Resources Code, is amended to read as follows:

(b) The Texas ~~[Natural Resource Conservation]~~ Commission on

Environmental Quality shall comply with Sections 33.205(a) and (b) when adopting or amending a rule governing:

- (1) air pollutant emissions;
- (2) on-site sewage disposal systems; or
- (3) underground storage tanks.

SECTION 40. Section 33.2053(f), Natural Resources Code, is amended to read as follows:

(f) The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality shall comply with Sections 33.205(a) and (b) when issuing or approving:

- (1) a wastewater discharge permit;
- (2) a permit for a new concentrated animal feeding operation located one mile or less from a critical area or coastal waters;
- (3) a permit for solid or hazardous waste treatment, storage, or disposal;
- (4) creation of a special purpose district or approval of bonds for the purpose of construction of infrastructure on coastal barriers;
- (5) levee improvement or flood control projects;
- (6) a certification of a federal permit for the discharge of dredge or fill material;
- (7) a declaration of an emergency and request for an emergency release of water;
- (8) a new permit for an annual appropriation of:
 - (A) 5,000 or more acre-feet of water within the program boundary; or
 - (B) 10,000 or more acre-feet of water outside the program boundary but within 200 stream miles of the coast;
- (9) an amendment to a water permit for an increase in an annual appropriation of:
 - (A) 5,000 or more acre-feet of water within the program boundary; or
 - (B) 10,000 or more acre-feet of water outside the program boundary but within 200 stream miles of the coast; or
- (10) a change in the purpose of use of an annual appropriation of water to a more consumptive use of:
 - (A) 5,000 or more acre-feet of water within the program boundary; or
 - (B) 10,000 or more acre-feet of water outside the program boundary but within 200 stream miles of the coast.

SECTION 41. Section 111.0192(a), Natural Resources Code, is amended to read as follows:

(a) The right of eminent domain granted under this chapter to any pipelines transporting coal in whatever form shall not include and cannot be used to condemn water or water rights for use in the transportation of coal by pipeline, and no Texas water from any source shall be used in connection with the transportation, maintenance, or operation of a coal slurry pipeline (except water used for drinking, toilet, bath, or other personal uses at pumping stations or offices) within the State of Texas unless the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality shall determine, after public hearing, that the use will not be detrimental to the water supply of the area from which the water is sought to be extracted.

SECTION 42. Section 111.305, Natural Resources Code, is amended to read as follows:

Sec. 111.305. OTHER AGENCIES. (a) The commission shall seek and act on the recommendations of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality, the Governor's Energy Advisory Council, or their successors responsible for environmental determinations and shall specify the proper use and disposal of nondischARGEABLE water.

(b) Neither the authority conveyed to the commission by this subchapter to issue certificates and to promulgate rules governing pipelines transporting coal in whatever form nor the powers and duties conveyed on those pipelines by this chapter shall affect, diminish, or otherwise limit the jurisdiction and authority of the Texas [~~Natural Resource Conservation~~] Commission on Environmental

10-1 Quality to regulate by applicable rules the acquisition, use,
 10-2 control, disposition, and discharge of water or water rights in
 10-3 Texas.

10-4 SECTION 43. Section 131.139(a), Natural Resources Code, is
 10-5 amended to read as follows:

10-6 (a) The commission immediately shall submit copies of the
 10-7 permit application to the Parks and Wildlife Department, Texas
 10-8 ~~[Natural Resource Conservation]~~ Commission on Environmental
 10-9 Quality, General Land Office, Texas Historical Commission, State
 10-10 Soil and Water Conservation Board, Bureau of Economic Geology,
 10-11 Texas Department of Health, and other state agencies whose
 10-12 jurisdiction the commission feels the particular mining operation
 10-13 may affect.

10-14 SECTION 44. Section 131.141, Natural Resources Code, is
 10-15 amended to read as follows:

10-16 Sec. 131.141. DENIAL OF A PERMIT. The commission shall deny
 10-17 a permit if:

10-18 (1) it finds that the reclamation as required by this
 10-19 chapter cannot be accomplished by means of the proposed reclamation
 10-20 plan;

10-21 (2) part of the proposed operation lies within an area
 10-22 designated as unsuitable for surface mining in Sections 131.035
 10-23 through 131.041 of this code;

10-24 (3) it is advised by the Texas ~~[Natural Resource~~
 10-25 ~~Conservation]~~ Commission on Environmental Quality that the
 10-26 proposed mining operation will cause pollution of water of the
 10-27 state, or that the proposed mining operation will cause pollution
 10-28 of the ambient air of the state, in violation of the laws of this
 10-29 state;

10-30 (4) the applicant has had another permit issued under
 10-31 this chapter revoked or any bond posted to comply with this chapter
 10-32 forfeited and the conditions causing the permit to be revoked or the
 10-33 bond to be forfeited have not been corrected to the satisfaction of
 10-34 the commission;

10-35 (5) it determines that the proposed operation will
 10-36 endanger the health and safety of the public;

10-37 (6) the surface mining operation will adversely affect
 10-38 a public highway or road; or

10-39 (7) the operator is unable to produce the bonds or
 10-40 otherwise meet the requirements of Sections 131.201 through 131.206
 10-41 of this code.

10-42 SECTION 45. Section 141.012(a), Natural Resources Code, is
 10-43 amended to read as follows:

10-44 (a) The commission, in consultation with the commissioner
 10-45 and the executive director of the Texas ~~[Natural Resource~~
 10-46 ~~Conservation]~~ Commission on Environmental Quality, shall make,
 10-47 publish, and enforce rules providing for the rapid and orderly
 10-48 exploration, development, and production of geothermal energy and
 10-49 associated resources and to accomplish the purposes of this
 10-50 chapter.

10-51 SECTION 46. Section 141.074, Natural Resources Code, is
 10-52 amended to read as follows:

10-53 Sec. 141.074. FURNISHING LISTS OF LAND TO OTHER AGENCIES.
 10-54 Before advertising land for lease, the commissioner shall furnish a
 10-55 list of the tracts considered by the board for lease to the Texas
 10-56 ~~[Natural Resource Conservation]~~ Commission on Environmental
 10-57 Quality, the commission, and any other state or federal agency that
 10-58 might have information that would be beneficial to the board in its
 10-59 determination of terms and conditions of the proposed lease.

10-60 SECTION 47. Section 1301.057(a), Occupations Code, is
 10-61 amended to read as follows:

10-62 (a) A person is not required to be licensed under this
 10-63 chapter to perform plumbing, limited to the provision of a
 10-64 residential potable water supply or residential sanitary sewer
 10-65 connection, for a project that:

10-66 (1) is in a county a part of which is within 50 miles of
 10-67 an international border; and

10-68 (2) is performed by an organization that:

10-69 (A) is certified by the Texas ~~[Natural Resource~~

11-1 ~~Conservation~~] Commission on Environmental Quality to provide
 11-2 self-help project assistance; and

11-3 (B) provides the board with the following
 11-4 information before the 30th day before the date the project begins:

11-5 (i) the exact location of the project;
 11-6 (ii) the intended duration of the project;

11-7 and

11-8 (iii) other information the board requires.

11-9 SECTION 48. Section 1904.001(1), Occupations Code, is
 11-10 amended to read as follows:

11-11 (1) "Commission" means the Texas ~~[Natural Resource~~
 11-12 ~~Conservation]~~ Commission on Environmental Quality.

11-13 SECTION 49. Sections 2304.001(1) and (2), Occupations Code,
 11-14 are amended to read as follows:

11-15 (1) "Commission" means the Texas ~~[Natural Resource~~
 11-16 ~~Conservation]~~ Commission on Environmental Quality.

11-17 (2) "Executive director" means the executive director
 11-18 of the Texas ~~[Natural Resource Conservation]~~ Commission on
 11-19 Environmental Quality.

11-20 SECTION 50. Section 28.03(d), Penal Code, is amended to
 11-21 read as follows:

11-22 (d) The terms "public communication, public transportation,
 11-23 public gas or power supply, or other public service" and "public
 11-24 water supply" shall mean, refer to, and include any such services
 11-25 subject to regulation by the Public Utility Commission of Texas,
 11-26 the Railroad Commission of Texas, or the Texas ~~[Natural Resource~~
 11-27 ~~Conservation]~~ Commission on Environmental Quality or any such
 11-28 services enfranchised by the State of Texas or any political
 11-29 subdivision thereof.

11-30 SECTION 51. Sections 11.082(b) and (c), Parks and Wildlife
 11-31 Code, are amended to read as follows:

11-32 (b) The department shall develop the state plan in
 11-33 coordination with the Texas ~~[Natural Resource Conservation]~~
 11-34 Commission on Environmental Quality, the Department of
 11-35 Agriculture, water districts and other political subdivisions of
 11-36 the state with jurisdiction over public bodies of surface water,
 11-37 and public drinking water providers.

11-38 (c) The state plan must:

11-39 (1) establish minimum standards for a governing entity
 11-40 that regulates a public body of surface water;

11-41 (2) require that any application of aquatic herbicide
 11-42 complies with label rates approved by the United States
 11-43 Environmental Protection Agency;

11-44 (3) ensure that any public drinking water provider
 11-45 that has an intake within two river miles of a site at which an
 11-46 application of aquatic herbicide is proposed to occur receives
 11-47 notice of the proposed application not later than the 14th day
 11-48 before the date the application is to occur;

11-49 (4) provide for the coordination, oversight, public
 11-50 notification, and enforcement of all aquatic herbicide use to
 11-51 protect state fish and wildlife resources and habitat and to
 11-52 prevent unreasonable risk from the use of any aquatic herbicide;
 11-53 and

11-54 (5) require that the written notice of a proposed
 11-55 application of herbicide include information demonstrating that
 11-56 the proposed application of herbicide under a plan will not result
 11-57 in exceeding:

11-58 (A) the maximum contaminant level of the
 11-59 herbicide in finished drinking water as set by the Texas ~~[Natural~~
 11-60 ~~Resource Conservation]~~ Commission on Environmental Quality and the
 11-61 United States Environmental Protection Agency; or

11-62 (B) the maximum label rate, if the aquatic
 11-63 herbicide does not have a maximum contaminant level established by
 11-64 the Texas ~~[Natural Resource Conservation]~~ Commission on
 11-65 Environmental Quality and the United States Environmental
 11-66 Protection Agency.

11-67 SECTION 52. Section 11.083(a), Parks and Wildlife Code, is
 11-68 amended to read as follows:

11-69 (a) A governing entity may develop and adopt a local aquatic

vegetation management plan. A local plan must be approved by the department, the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, and the Department of Agriculture.

SECTION 53. Sections 14.002(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) The department and the land office, in conjunction, shall develop and adopt a State Wetlands Conservation Plan for state-owned coastal wetlands. The Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality and other state agencies and local governments shall assist in developing and implementing the plan. The department and the land office shall consult with federal agencies in developing and adopting the plan.

(b) The plan shall include:

(1) a definition of the term "wetlands" consistent to the greatest extent practicable with the definition under Subchapter J, Chapter 11, Water Code, and federal law;

(2) a policy framework for achieving a goal of no overall net loss of state-owned coastal wetlands, which framework shall include monitoring and enforcement of the no overall net loss policy;

(3) provisions for an inventory of state-owned coastal wetlands to determine gains and losses in areal extent, wetland types, wetland function, and the causes of wetlands alterations;

(4) provisions for an inventory of sites for compensatory mitigation, enhancement, restoration, and acquisition priorities;

(5) clarification and unification of wetland mitigation policies within the department, the land office, and the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, and other state agencies and subdivisions;

(6) development of guidelines and regulations for mitigation done in advance for losses due to possible future development and for which credit may be received when such future development occurs;

(7) evaluation of requirements of freshwater inflow to estuaries that affect state-owned coastal wetlands;

(8) preparations for a long-range navigational dredging and disposal plan, in consultation with the Texas Department of Transportation, port authorities, and navigation districts, including the recommendations set out in the department's Texas Outdoor Recreation Plan;

(9) provisions for scientific studies examining the effects of boat traffic in sensitive coastal wetland areas and for education of the public with regard to the effects of boating in wetlands and proper nondamaging boating techniques;

(10) provisions to encourage the reduction of nonpoint source pollution of coastal wetlands, bays, and estuaries, in consultation with the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, including the monitoring and adoption of nonpoint source pollution standards as they are developed by authorized state and federal agencies;

(11) development of a networking strategy to improve coordination among existing federal and state agencies with respect to coastal wetland permitting, review, and protection responsibilities, including the assessment of current state agency permitting and other processes concerning coastal wetlands;

(12) a public education program on wetlands with the responsibility for the production of such material to be jointly that of the land office and the department;

(13) participation in the establishment of a National Wetlands Information Center by the federal government;

(14) evaluation of the feasibility and effect of sediment bypassing from reservoirs to bays and estuaries;

(15) consideration of sea level rise as it relates to coastal wetlands;

(16) provisions consistent with the department's Texas Wetlands Plan;

(17) a plan to acquire coastal wetlands, following the guidelines provided for in Subchapter G, Chapter 33, Natural

13-1 Resources Code; and

13-2 (18) any other matter affecting state-owned coastal
13-3 wetlands.

13-4 SECTION 54. Section 3875.002(2), Special District Local
13-5 Laws Code, is amended to read as follows:

13-6 (2) "Commission" means the Texas ~~[Natural Resource~~
13-7 ~~Conservation]~~ Commission on Environmental Quality.

13-8 SECTION 55. Section 34.06(f), Tax Code, is amended to read
13-9 as follows:

13-10 (f) The purchasing taxing unit is entitled to recover from
13-11 the proceeds of a resale of the property any cost incurred by the
13-12 taxing unit in inspecting the property to determine whether there
13-13 is a release or threatened release of solid waste from the property
13-14 in violation of Chapter 361, Health and Safety Code, or a rule
13-15 adopted or permit or order issued by the Texas ~~[Natural Resource~~
13-16 ~~Conservation]~~ Commission on Environmental Quality under that
13-17 chapter, or a discharge or threatened discharge of waste or a
13-18 pollutant into or adjacent to water in this state from a point of
13-19 discharge on the property in violation of Chapter 26, Water Code, or
13-20 a rule adopted or permit or order issued by the commission under
13-21 that chapter, and in taking action to remove or remediate the
13-22 release or threatened release or discharge or threatened discharge
13-23 regardless of whether the taxing unit:

13-24 (1) was required by law to incur the cost; or

13-25 (2) obtained the consent of each taxing unit entitled
13-26 to receive proceeds of the sale under the judgment of foreclosure to
13-27 incur the cost.

13-28 SECTION 56. Section 201.604(d), Transportation Code, is
13-29 amended to read as follows:

13-30 (d) The department shall coordinate with the Texas ~~[Natural~~
13-31 ~~Resource Conservation]~~ Commission on Environmental Quality and the
13-32 Parks and Wildlife Department in preparing an environmental review.
13-33 To give those agencies time to respond, the department shall submit
13-34 the review of a project and the department's mitigation proposals
13-35 on the project to them for comment before the 30th day preceding the
13-36 date on which the department issues the written report explaining
13-37 its decision on that project.

13-38 SECTION 57. Section 201.612(d), Transportation Code, is
13-39 amended to read as follows:

13-40 (d) In determining whether to approve the construction of
13-41 the bridge, the commission shall solicit the advice of:

13-42 (1) the Department of Public Safety;

13-43 (2) the Texas ~~[Natural Resource Conservation]~~
13-44 Commission on Environmental Quality;

13-45 (3) the Texas Historical Commission;

13-46 (4) the Department of Agriculture;

13-47 (5) the Texas Alcoholic Beverage Commission;

13-48 (6) the Texas Department of Commerce; and

13-49 (7) any other state agency the commission determines
13-50 is appropriate.

13-51 SECTION 58. Sections 548.001(3) and (4), Transportation
13-52 Code, are amended to read as follows:

13-53 (3) "Department" means the Department of Public Safety
13-54 ~~["Conservation commission" means the Texas Commission on~~
13-55 ~~Environmental Quality]~~.

13-56 (4) "Environmental commission" means the Texas
13-57 Commission on Environmental Quality ~~["Department" means the~~
13-58 ~~Department of Public Safety]~~.

13-59 SECTION 59. Sections 548.006(a), (c), and (h),
13-60 Transportation Code, are amended to read as follows:

13-61 (a) An advisory committee consisting of nine members shall:

13-62 (1) advise the environmental ~~[conservation]~~
13-63 commission and the department on the environmental ~~[conservation]~~
13-64 commission's and department's rules relating to the operation of
13-65 the vehicle inspection program under this chapter;

13-66 (2) make recommendations to the environmental
13-67 ~~[conservation]~~ commission and the department relating to the
13-68 content of rules involving the operation of the vehicle inspection
13-69 program; and

(3) perform any other advisory function requested by the environmental [~~conservation~~] commission or the department in administering this chapter and Chapter 382, Health and Safety Code.

(c) The presiding officer of the environmental [~~conservation~~] commission and the presiding officer of the commission shall each appoint one member of the committee who will alternate serving as the presiding officer of the committee.

(h) The committee is entitled to review and comment on rules to be considered for adoption by the environmental [~~conservation~~] commission, the commission, or the department under this chapter or Chapter 382, Health and Safety Code, before the rules are adopted.

SECTION 60. Section 548.301(b), Transportation Code, is amended to read as follows:

(b) The commission by rule may establish a motor vehicle emissions inspection and maintenance program for vehicles specified by the environmental [~~conservation~~] commission in a county for which the environmental [~~conservation~~] commission has adopted a resolution requesting the commission to establish such a program and for which the county and the municipality with the largest population in the county by resolution have formally requested a proactive air quality plan consisting of such a program.

SECTION 61. Section 548.302, Transportation Code, is amended to read as follows:

Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND REQUIREMENTS. The commission shall:

(1) adopt standards for emissions-related inspection criteria consistent with requirements of the United States and the environmental [~~conservation~~] commission applicable to a county in which a program is established under this subchapter; and

(2) develop and impose requirements necessary to ensure that a passing vehicle inspection report is not issued to a vehicle subject to a program established under this subchapter and that information stating that a vehicle has passed an inspection is not submitted to the department's database unless the vehicle has passed a motor vehicle emissions inspection at a facility authorized and certified by the department.

SECTION 62. Section 548.3065(c-1), Transportation Code, is amended to read as follows:

(c-1) The environmental [~~conservation~~] commission may impose an administrative penalty on a person in the amount of not more than \$500 for each violation of this subchapter or a rule adopted by the environmental [~~conservation~~] commission under this subchapter.

SECTION 63. Sections 548.4045(a) and (b), Transportation Code, are amended to read as follows:

(a) This section applies only to an inspection station that:

(1) is located in a county in which the environmental [~~conservation~~] commission has established a motor vehicle emissions inspection and maintenance program under Subchapter F; and

(2) has been convicted of a violation of this chapter relating to an emissions inspection.

(b) An application for certification as an inspection station must be accompanied by a surety bond in the amount of \$5,000, payable to this state and conditioned on the future compliance with this chapter and rules adopted by the department or the environmental [~~conservation~~] commission under this chapter.

SECTION 64. Section 548.5055(c), Transportation Code, is amended to read as follows:

(c) This section expires on the last day of the state fiscal biennium during which the environmental [~~conservation~~] commission publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code.

SECTION 65. The heading to Subchapter B, Chapter 5, Water Code, is amended to read as follows:

SUBCHAPTER B. [~~ORGANIZATION OF THE~~] TEXAS [~~NATURAL RESOURCE CONSERVATION~~] COMMISSION ON ENVIRONMENTAL QUALITY

SECTION 66. The heading to Subchapter C, Chapter 5, Water

Code, is amended to read as follows:

SUBCHAPTER C. ORGANIZATION OF [TEXAS NATURAL RESOURCE
CONSERVATION] COMMISSION

SECTION 67. Section 5.051, Water Code, is amended to read as follows:

Sec. 5.051. COMMISSION. (a) The Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality is created as an agency of the state.

(b) Effective January 1, 2004, a reference in law to the Texas Natural Resource Conservation Commission is a reference to the Texas Commission on Environmental Quality.

SECTION 68. The heading to Subchapter D, Chapter 5, Water Code, is amended to read as follows:

SUBCHAPTER D. GENERAL POWERS AND DUTIES OF ~~[THE]~~ COMMISSION

SECTION 69. Section 5.179, Water Code, is amended to read as follows:

Sec. 5.179. SEAL. The commission shall have a seal bearing the words Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality encircling the oak and olive branches common to other official seals.

SECTION 70. Section 6.001(3), Water Code, is amended to read as follows:

(3) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 71. Section 7.001(1), Water Code, is amended to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 72. Sections 11.039(a) and (b), Water Code, are amended to read as follows:

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1) the amount of water to which each customer may be entitled; or

(2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

SECTION 73. Sections 15.001(2) and (4), Water Code, are amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(4) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 74. Section 15.851(1), Water Code, is amended to read as follows:

(1) "Approved local plan" means a local plan authorized by Section 11.083, Parks and Wildlife Code, that has been approved by the Parks and Wildlife Commission, the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, and the Department of Agriculture as required by Section 11.083, Parks and Wildlife Code.

SECTION 75. Section 15.853(a), Water Code, is amended to read as follows:

(a) Money in the fund may be used only for the following

purposes, in the following order of priority:

(1) grants to the Parks and Wildlife Department:

(A) to develop a state aquatic vegetation management plan in coordination with the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality, the Department of Agriculture, water districts and other political subdivisions with jurisdiction over public bodies of surface water, and public drinking water providers, as required by Section 11.082, Parks and Wildlife Code; or

(B) for research, outreach, and educational activities that relate to vegetation control;

(2) grants to political subdivisions to develop local aquatic vegetation management plans that conform to the state aquatic vegetation management plan, as authorized by Section 11.083, Parks and Wildlife Code; and

(3) grants to political subdivisions to manage aquatic vegetation infestations under the state plan or the approved local plan adopted by the political subdivision.

SECTION 76. Sections 16.001(2) and (4), Water Code, are amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(4) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 77. Sections 17.001(2) and (4), Water Code, are amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(4) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 78. Sections 26.001(2) and (4), Water Code, are amended to read as follows:

(2) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(4) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 79. Section 26.0345(a), Water Code, is amended to read as follows:

(a) In addition to wastewater permit conditions established under the authority of Sections 5.102, 5.103, 5.120, and 26.040, the commission ~~[Texas Natural Resource Conservation Commission]~~, in consultation with the Department of Agriculture and the Parks and Wildlife Department, shall establish permit conditions relating to suspended solids in a discharge permit for an aquaculture facility located within the coastal zone and engaged in shrimp production that are based on levels and measures adequate to prevent:

(1) potential significant adverse responses in aquatic organisms, changes in flow patterns of receiving waters, or untimely filling of bays with settled solids; or

(2) a potential significant adverse response in aquatic plants from attenuation of light by suspended solids in discharges.

SECTION 80. Section 26.179(b), Water Code, is amended to read as follows:

(b) For the purpose of Subsection (a)(1), "maintaining background levels of water quality in waterways" means maintaining background levels of water quality in waterways comparable to those levels which existed prior to new development as measured by the following constituents: total suspended solids, total phosphorus, total nitrogen, and chemical and biochemical oxygen demand. Background levels shall be established either from sufficient data collected from water quality monitoring at one or more sites located within the area designated as a water quality protection zone or, if such data are unavailable, from calculations performed and certified by a registered professional engineer utilizing the

concepts and data from the National Urban Runoff Program (NURP) Study or other studies approved by the commission [~~Texas Natural Resource Conservation Commission~~ (~~commission~~)] for the constituents resulting from average annual runoff, until such data collected at the site are available. Background levels for undeveloped sites shall be verified based on monitoring results from other areas of property within the zone prior to its development. The monitoring shall consist of a minimum of one stage (flow) composite sample for at least four storm events of one-half inch or more of rainfall that occur at least one month apart. Monitoring of the four constituents shall be determined by monitoring at four or more locations where runoff occurs. A minimum of four sample events per year for each location for rainfall events greater than one-half inch shall be taken. Monitoring shall occur for three consecutive years after each phase of development occurs within the Water Quality Protection Zone. Each new phase of development, including associated best management practices, will require monitoring for a three-year period. The results of the monitoring and a description of the best management practices being used throughout the zone shall be summarized in a technical report and submitted to the commission no later than April 1 of each calendar year during development of the property, although the commission may determine that monitoring is no longer required. The commission shall review the technical report. If the performance monitoring and best management practices indicate that background levels were not maintained during the previous year, the owner or developer of land within the water quality protection zone shall:

(1) modify water quality plans developed under this section for future phases of development in the water quality protection zone to the extent reasonably feasible and practical; and

(2) modify operational and maintenance practices in existing phases of the water quality protection zone to the extent reasonably feasible and practical.

Water quality monitoring shall not be required in areas using the methodology described by Subsection (a)(2).

SECTION 81. Sections 28.001(1) and (2), Water Code, are amended to read as follows:

(1) "Commission" means the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

(2) "Executive Director" means the executive director of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

SECTION 82. Section 30.004(a), Water Code, is amended to read as follows:

(a) This chapter is cumulative of other statutes governing the Texas Water Development Board and the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality relating to:

- (1) the issuance of bonds;
- (2) the collection, transportation, treatment, or disposal of waste; and
- (3) the design, construction, acquisition, or approval of facilities for these purposes.

SECTION 83. Section 30.106, Water Code, is amended to read as follows:

Sec. 30.106. SUPERVISION BY TEXAS [~~NATURAL RESOURCE CONSERVATION~~] COMMISSION ON ENVIRONMENTAL QUALITY. The Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality is authorized to exercise continuing supervision on behalf of the state of comprehensive plans prepared under this chapter.

SECTION 84. Sections 31.001(1) and (2), Water Code, are amended to read as follows:

(1) "Commission" means the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

(2) "Executive director" means the executive director of the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

SECTION 85. Section 35.002(2), Water Code, is amended to

18-1 read as follows:

18-2 (2) "Commission" means the Texas ~~[Natural Resource~~
18-3 ~~Conservation]~~ Commission on Environmental Quality.

18-4 SECTION 86. Section 36.001(2), Water Code, is amended to
18-5 read as follows:

18-6 (2) "Commission" means the Texas ~~[Natural Resource~~
18-7 ~~Conservation]~~ Commission on Environmental Quality.

18-8 SECTION 87. Section 37.001(1), Water Code, is amended to
18-9 read as follows:

18-10 (1) "Commission" means the Texas ~~[Natural Resource~~
18-11 ~~Conservation]~~ Commission on Environmental Quality.

18-12 SECTION 88. Section 41.0082, Water Code, is amended to read
18-13 as follows:

18-14 Sec. 41.0082. COOPERATION OF TEXAS ~~[NATURAL RESOURCE~~
18-15 ~~CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
18-16 ~~[Natural Resource Conservation]~~ Commission on Environmental
18-17 Quality shall cooperate with the commissioner in the performance of
18-18 his duties and shall furnish him any available data and information
18-19 he needs.

18-20 SECTION 89. Section 42.009, Water Code, is amended to read
18-21 as follows:

18-22 Sec. 42.009. COOPERATION OF TEXAS ~~[NATURAL RESOURCE~~
18-23 ~~CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
18-24 ~~[Natural Resource Conservation]~~ Commission on Environmental
18-25 Quality shall cooperate with the commissioner in the performance of
18-26 his duties and shall furnish him any available data and information
18-27 he needs.

18-28 SECTION 90. Section 43.0052, Water Code, is amended to read
18-29 as follows:

18-30 Sec. 43.0052. COOPERATION OF TEXAS ~~[NATURAL RESOURCE~~
18-31 ~~CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
18-32 ~~[Natural Resource Conservation]~~ Commission on Environmental
18-33 Quality shall cooperate with the commissioner in the performance of
18-34 his duties and shall furnish him any available data and information
18-35 he needs.

18-36 SECTION 91. Section 44.009, Water Code, is amended to read
18-37 as follows:

18-38 Sec. 44.009. COOPERATION OF TEXAS ~~[NATURAL RESOURCE~~
18-39 ~~CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
18-40 ~~[Natural Resource Conservation]~~ Commission on Environmental
18-41 Quality shall cooperate with the members in the performance of
18-42 their duties and shall furnish them any available data and
18-43 information they need.

18-44 SECTION 92. Section 46.008(a), Water Code, is amended to
18-45 read as follows:

18-46 (a) The executive director of the Texas ~~[Natural Resource~~
18-47 ~~Conservation]~~ Commission on Environmental Quality or a designated
18-48 representative selected from the staff of the Texas ~~[Natural~~
18-49 ~~Resource Conservation]~~ Commission on Environmental Quality shall
18-50 also serve as a commissioner and represent this state on the
18-51 commission established by Article IX of the compact.

18-52 SECTION 93. Section 46.010, Water Code, is amended to read
18-53 as follows:

18-54 Sec. 46.010. COOPERATION OF TEXAS ~~[NATURAL RESOURCE~~
18-55 ~~CONSERVATION]~~ COMMISSION ON ENVIRONMENTAL QUALITY. The Texas
18-56 ~~[Natural Resource Conservation]~~ Commission on Environmental
18-57 Quality shall cooperate with the commissioners in the performance
18-58 of their duties and shall furnish them any factual data and
18-59 information that are available.

18-60 SECTION 94. Section 49.001(a)(2), Water Code, is amended to
18-61 read as follows:

18-62 (2) "Commission" means the Texas ~~[Natural Resource~~
18-63 ~~Conservation]~~ Commission on Environmental Quality.

18-64 SECTION 95. Sections 51.001(5) and (6), Water Code, are
18-65 amended to read as follows:

18-66 (5) "Commission" means the Texas ~~[Natural Resource~~
18-67 ~~Conservation]~~ Commission on Environmental Quality.

18-68 (6) "Executive director" means the executive director
18-69 of the Texas ~~[Natural Resource Conservation]~~ Commission on

19-1 Environmental Quality.

19-2 SECTION 96. Sections 54.001(4) and (5), Water Code, are
19-3 amended to read as follows:

19-4 (4) "Commission" means the Texas [~~Natural Resource~~
19-5 ~~Conservation~~] Commission on Environmental Quality.

19-6 (5) "Executive director" means the executive director
19-7 of the Texas [~~Natural Resource Conservation~~] Commission on
19-8 Environmental Quality.

19-9 SECTION 97. Sections 55.001(3) and (4), Water Code, are
19-10 amended to read as follows:

19-11 (3) "Commission" means the Texas [~~Natural Resource~~
19-12 ~~Conservation~~] Commission on Environmental Quality.

19-13 (4) "Executive director" means the executive director
19-14 of the Texas [~~Natural Resource Conservation~~] Commission on
19-15 Environmental Quality.

19-16 SECTION 98. Section 56.022(b), Water Code, is amended to
19-17 read as follows:

19-18 (b) The engineer shall obtain information regarding land
19-19 and outlets inside the proposed district from the Texas [~~Natural~~
19-20 ~~Resource Conservation~~] Commission on Environmental Quality and
19-21 from other sources, and he shall cooperate with the commission
19-22 [~~Texas Natural Resource Conservation Commission~~] in the discharge
19-23 of its duties.

19-24 SECTION 99. Section 56.242(c), Water Code, is amended to
19-25 read as follows:

19-26 (c) The board may issue negotiable notes payable from the
19-27 maintenance tax authorized by Subsection (a) to meet the financial
19-28 obligations of the district, as described by Subsection (a). The
19-29 notes shall be payable over a period not to exceed five years from
19-30 the date of issuance. Notes issued under this subsection are not
19-31 required to be approved by the Texas [~~Natural Resource~~
19-32 ~~Conservation~~] Commission on Environmental Quality. A district may
19-33 not have outstanding, at any one time, notes in excess of \$3 million
19-34 under this subsection.

19-35 SECTION 100. Section 56.311(d), Water Code, is amended to
19-36 read as follows:

19-37 (d) Before entering an order discharging the trustee and the
19-38 surety on the trustee's bond and closing the trust estate, the
19-39 commissioners court shall order all transactions of the trustee
19-40 audited by an independent certified public accountant. A copy of
19-41 the audit shall be filed with the commissioners court and the Texas
19-42 [~~Natural Resource Conservation~~] Commission on Environmental
19-43 Quality, and a copy shall be provided to the trustee.

19-44 SECTION 101. Sections 57.001(5) and (6), Water Code, are
19-45 amended to read as follows:

19-46 (5) "Executive director" means the executive director
19-47 of the Texas [~~Natural Resource Conservation~~] Commission on
19-48 Environmental Quality.

19-49 (6) "Commission" means the Texas [~~Natural Resource~~
19-50 ~~Conservation~~] Commission on Environmental Quality.

19-51 SECTION 102. Section 58.001(5), Water Code, is amended to
19-52 read as follows:

19-53 (5) "Commission" means the Texas [~~Natural Resource~~
19-54 ~~Conservation~~] Commission on Environmental Quality.

19-55 SECTION 103. Section 60.249(c), Water Code, is amended to
19-56 read as follows:

19-57 (c) The district shall advise the Texas [~~Natural Resource~~
19-58 ~~Conservation~~] Commission on Environmental Quality of a conversion
19-59 not later than the 45th day after the results of the election are
19-60 canvassed by the commissioners court.

19-61 SECTION 104. Sections 65.001(4) and (5), Water Code, are
19-62 amended to read as follows:

19-63 (4) "Commission" means the Texas [~~Natural Resource~~
19-64 ~~Conservation~~] Commission on Environmental Quality.

19-65 (5) "Executive director" means the executive director
19-66 of the Texas [~~Natural Resource Conservation~~] Commission on
19-67 Environmental Quality.

19-68 SECTION 105. Sections 66.001(2) and (3), Water Code, are
19-69 amended to read as follows:

20-1 (2) "Commission" means the Texas [~~Natural Resource~~
20-2 ~~Conservation~~] Commission on Environmental Quality.

20-3 (3) "Executive director" means the executive director
20-4 of the Texas [~~Natural Resource Conservation~~] Commission on
20-5 Environmental Quality.

20-6 SECTION 106. Section 57.001(3), Water Code, is repealed.

20-7 SECTION 107. This Act takes effect September 1, 2025.

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