

## CHAPTER 626

## S.B. No. 527

An Act relating to factors to be considered in issuing, amending, or renewing a permit to discharge certain effluent into or adjacent to water in this state; adding Section 26.0281 to Subchapter B, Chapter 26, Water Code.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0281 to read as follows:

*"Section 26.0281. CONSIDERATION OF PAST PERFORMANCE AND COMPLIANCE. In considering the issuance, amendment, or renewal of a permit to discharge effluent comprised primarily of sewage or municipal waste, the commission shall consider any adjudicated decision on or compliance proceeding addressing past performance and compliance of the applicant and its operator with the laws of this state governing waste discharge, waste treatment, or waste disposal facilities and with the terms of any permit or order issued by the commission."*

**SECTION 2.** This Act applies to an application for issuance, amendment, or renewal of a permit pending on the effective date of this Act or filed on or after the effective date of this Act.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 6, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendment on May 27, 1985, by a viva-voce vote; passed the House, with amendment, on May 21, 1985, by the following vote: Yeas 143, Nays 0, two present not voting.

Approved: June 14, 1985

Effective: August 26, 1985