

By: Birdwell

S.B. No. 3074

A BILL TO BE ENTITLED

AN ACT

relating to communications between the Texas Commission on Environmental Quality and the governor, the lieutenant governor, or a member of the legislature.

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

SECTION 1. Subchapter E, Chapter 5, Water Code, is amended by adding Section 5.180 to read as follows:

Sec. 5.180. COMMUNICATIONS WITH CERTAIN GOVERNMENT OFFICIALS. (a) Notwithstanding any other law, the governor, the lieutenant governor, or a member of the legislature may communicate in writing, including electronically, with a member of the commission about an application for the issuance, amendment, modification, or renewal of a permit, or for an authorization to use a permit, that is pending before the commission. A member of the legislature may communicate under this section with the commission only about an application for a facility or proposed facility that is located in the member's district.

(b) A member of the commission shall receive a communication described by Subsection (a). An employee of the commission that receives a communication described by Subsection (a) shall transmit the communication to the proper member of the commission and the member shall receive the communication. The member of the commission is not required to be recused from the proceedings related to the application discussed in the communication.

1 (c) The commission shall:

2 (1) include in the record of proceedings related to an
3 application a record of each communication received under this
4 section about the application; and

5 (2) provide for any party to the proceedings related
6 to an application about which the commission receives a
7 communication under this section an opportunity to respond to the
8 communication.

9 (d) The governor, the lieutenant governor, or a member of
10 the legislature may not communicate with a member of the commission
11 under this section about an application that affects a business
12 entity in which the governor, lieutenant governor, or member has a
13 substantial interest or in which a person related to the governor,
14 lieutenant governor, or member within the second degree of
15 consanguinity or affinity has a substantial interest, as described
16 by Section 572.005, Government Code.

17 (e) The commission may establish deadlines for written
18 communications described by Subsection (a). A deadline must
19 provide the maximum amount of time reasonably possible for
20 communication described by Subsection (a).

21 SECTION 2. This Act takes effect September 1, 2025.