

By: Ordaz Perez

H.B. No. 3858

A BILL TO BE ENTITLED

AN ACT

relating to the provision by the Texas Commission on Environmental Quality of certain information in a language other than English.

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

SECTION 1. Subchapter E, Chapter 5, Water Code, is amended by adding Section 5.1731 to read as follows:

Sec. 5.1731. DUTY TO RESPOND IN LANGUAGE RECEIVED. The commission shall respond to a request for information, public comment, response to notice, or other inquiry or correspondence within the jurisdiction of the commission in the language in which the matter was received by the commission.

SECTION 2. Subchapter M, Chapter 5, Water Code, is amended by adding Section 5.5531 to read as follows:

Sec. 5.5531. MAILED NOTICE IN ALTERNATIVE LANGUAGE. (a) A notice required to be mailed under this subchapter or under Chapter 26 or 27 of this code or Chapter 361, Health and Safety Code, must be sent in the alternative language in which a bilingual education program is or would have been taught if either the elementary or middle school nearest to the facility or proposed facility is required to provide a bilingual education program as required by Subchapter B, Chapter 29, Education Code, and:

- (1) students are enrolled in a program at that school;
- (2) students from that school attend a bilingual education program at another location; or

1 (3) the school that otherwise would be required to
2 provide a bilingual education program has been granted an exception
3 from the requirements to provide the program as provided by rules of
4 the Texas Education Agency.

5 (b) The applicant shall pay the costs associated with
6 mailing notice under this section, including costs for the
7 translation of the notice into a language other than English.

8 SECTION 3. Section 5.554, Water Code, is amended to read as
9 follows:

10 Sec. 5.554. PUBLIC MEETING. (a) During the public comment
11 period, the executive director may hold one or more public meetings
12 in the county in which the facility is located or proposed to be
13 located. The executive director shall hold a public meeting:

14 (1) on the request of a member of the legislature who
15 represents the general area in which the facility is located or
16 proposed to be located; or

17 (2) if the executive director determines that there is
18 substantial public interest in the proposed activity.

19 (b) If notice of the public meeting was required to be
20 mailed in a language other than English under Section 5.5531, the
21 commission shall provide a translation of the transcript of the
22 meeting in each language in which the notice was required to be
23 mailed. A transcript produced under this subsection must be:

24 (1) paid for by the applicant for the proposed
25 activity; and

26 (2) made publicly available in the same manner and
27 from the same location as other written or audio records of the

1 meeting.

2 SECTION 4. Section 5.555, Water Code, is amended by adding
3 Subsection (c) to read as follows:

4 (c) If a notice associated with the permit is required to be
5 mailed in a language other than English under Section 5.5531, the
6 commission shall provide a translation of the responses to public
7 comment in each language in which the notice was required to be
8 sent. The applicant shall pay the costs associated with a
9 translation made under this subsection.

10 SECTION 5. Subchapter M, Chapter 5, Water Code, as amended
11 by this Act, applies only to a permit application that is filed with
12 the Texas Commission on Environmental Quality on or after the
13 effective date of this Act. A permit application filed before the
14 effective date of this Act is governed by the law in effect on the
15 date of filing, and that law is continued in effect for that
16 purpose.

17 SECTION 6. This Act takes effect September 1, 2021.