

## **BILL ANALYSIS**

Senate Research Center  
88R4617 JXC-D

S.B. 471  
By: Springer  
Water, Agriculture, & Rural Affairs  
3/10/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

With the population growth in Texas over the last decade, there has been commensurate growth in manufacturing and increased use of precious resources. This use of finite resources calls for appropriate oversight to ensure access to these resources for current and future generations. This bill will provide the Texas Commission on Environmental Quality the ability to protect and enhance access to resources and protect against unnecessary impediments that may arise out of multiple complaints for the same issue by the same individual for which TCEQ has already resolved.

Under current law, there is no cap on the number of complaints filed within a year on the same issue by the same individual for which the TCEQ has already investigated and made a ruling. Therefore, an individual can habitually complain repeatedly about a problem for which TCEQ investigators and the commission have already researched and made a ruling, resulting in tying up inspectors and TCEQ resources from investigating other open cases of fraud, waste, and abuse within the environment. This bill does not add any additional hindrances to conducting business while ensuring the agency's ability to efficiently enforce the current regulations by requiring the agency to be reimbursed for repeated complaints that result in no environmental infraction by the agency that takes the commission's time away from ligament investigations.

As proposed, S.B. 471 amends current law relating to the imposition of a fee by the Texas Commission on Environmental Quality for the investigation of certain complaints.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 5.1774, Water Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 5, Water Code, by adding Section 5.1774, as follows:

Sec. 5.1774. FEES FOR MULTIPLE COMPLAINTS. (a) Requires the Texas Commission on Environmental Quality (TCEQ) to charge a person who files a complaint a fee before TCEQ investigates the complaint if, in the same calendar year in which the complaint is filed, the person has filed at least three complaints with TCEQ for which neither TCEQ nor a local enforcement official took enforcement action before closing the file on the complaint.

(b) Requires TCEQ by rule to establish for each type of complaint a fee amount to be charged under Subsection (a) that TCEQ estimates is less than or equal to the cost to TCEQ of investigating most complaints of that type.

(c) Authorizes TCEQ to waive the fee required by Subsection (a) for good cause.

SECTION 2. (a) Requires TCEQ to adopt the rules required by Section 5.1774, Water Code, as added by this Act, as soon as practicable after the effective date of this Act.

(b) Makes application of Section 5.1774, Water Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.