

## **BILL ANALYSIS**

Senate Research Center

S.B. 813  
By: Miles  
Natural Resources & Economic Development  
6/29/2023  
Enrolled

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

State officials rely on transparent communication on issues that arise in their district—especially regarding those issues that relate to the health and safety of their constituents. Currently, the Texas Commission on Environmental Quality (TCEQ) is not required to notify elected officials about penalties assessed within the elected officials' respective districts. Environmental malfeasance directly affects the health and safety of the constituents of any elected state official.

S.B. 813 would require TCEQ to issue a notification to members of the Texas Legislature whenever a penalty is assessed against an entity within the member's respective district.

[Note: While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

S.B. 813 amends current law relating to providing notice to a state representative and senator of certain administrative actions of the Texas Commission on Environmental Quality.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 7.060, Water Code, as follows:

Sec. 7.060. NOTICE OF PENALTY. (a) Creates this subsection from existing text. Requires the Texas Natural Resource Conservation Commission (TNRCC), if TNRCC is required to give notice of a penalty under Section 7.057 (Default) or 7.059 (Notice of Decision), to:

(1) creates this subdivision from existing text; and

(2) notify the state representative and state senator who represent the area where the violation for which the penalty is being assessed occurred, if required by Subsection (b).

(b) Requires TNRCC to:

(1) affirmatively offer each state representative and state senator the opportunity to receive notice under Subsection (a)(2); and

(2) provide appropriate notice to each representative or senator who elects to receive notice under this section.

SECTION 2. Amends Section 7.075, Water Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires TNRCC, before TNRCC approves an administrative order or proposed agreement to settle an administrative enforcement action initiated under Subchapter C (Administrative Penalties) to which TNRCC is a party, to:

- (1) creates this subdivision from existing text;
- (2) publish notice of the opportunity to comment on the proposed order or agreement in the Texas Register not later than the 30th day before the date on which the public comment period closes; and
- (3) notify the state representative and state senator who represent the area in which the violation that is the subject of the proposed order or agreement occurred, if required by Subsection (a-1).

(a-1) Requires TNRCC to:

- (1) affirmatively offer each state representative and state senator the opportunity to receive notice under Subsection (a)(3); and
- (2) provide appropriate notice to each representative or senator who elects to receive notice under Section 7.075 (Public Comment).

SECTION 3. Effective date: September 1, 2023.