

BILL ANALYSIS

Senate Research Center
89R24936 KRM-D

C.S.S.B. 2386
By: Miles
Water, Agriculture and Rural Affairs
4/22/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Commission on Environmental Quality (TCEQ) is not explicitly required to notify state representatives and senators when taking administrative actions related to environmental violations in their districts. This creates an information gap where elected officials may be unaware of environmental enforcement activities affecting their constituents.

S.B. 2386 would amend the Water Code to require TCEQ to notify the state representative and senator representing the area where an environmental violation occurred when the commission issues a penalty or approves an administrative order or settlement agreement. This additional notification requirement ensures that local elected officials are promptly informed about environmental enforcement actions in their districts, allowing them to better serve and advocate for their constituents.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2386 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 Commission on Environmental Quality (TCEQ), if TCEQ is required to give notice of a penalty under Section 7.057 (Default) or 7.059 (Notice of Decision), to:

- (1) publish notice of its decision in the Texas Register not later than the 10th day after the date on which the decision is adopted; and
- (2) if required by Subsection (b), notify the state representative and state senator who represent the area where the violation for which the penalty is being assessed occurred.

Makes nonsubstantive changes to this subsection.

- (b) Requires TCEQ to affirmatively offer each state representative and state senator the opportunity to receive notice under Subsection (a)(2) and 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 TCEQ, before TCEQ approves an administrative order or proposed agreement to settle an administrative enforcement action initiated under Subchapter C (Administrative Penalties) to which TCEQ is a party, to:

(1) allow the public to comment in writing on the proposed order or agreement;

(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) if required by Subsection (a-1), 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.

Makes nonsubstantive changes to this subsection.

(a-1) Requires TCEQ to affirmatively offer each state representative and state senator the opportunity to receive notice under Subsection (a)(3) and 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, 2025.