

BILL ANALYSIS

Senate Research Center
76R7230 SMH-F

S.B. 1307
By: Brown
Natural Resources
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As Filed

DIGEST

Currently, Texas law consolidates environmental enforcement authority, allowing local governmental entities to enforce certain sections of the Water Code, and the Health and Safety Code, through civil litigation. However, the law does not include Chapter 366, Health and Safety Code (On-Site Sewage Disposal Systems) in the consolidation of enforcement authority. S.B. 1307 would provide local governmental entities, which are authorized by the Texas Natural Resource Conservation Commission, the authority to enforce rules adopted under Chapter 366, Health and Safety Code, through civil litigation.

PURPOSE

As proposed, S.B. 1307 provides an authorized agent of the Texas Natural Resource Conservation Commission the right to institute a suit for injunctive relief or a civil penalty for a violation or threat of violation of the law regarding on-site sewage disposal systems.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.351, Water Code, to authorize an authorized agent as defined in Chapter 366, Health and Safety Code, to institute a civil suit under Subchapter D in the same manner as the Texas Natural Resource Conservation Commission (commission) in a district court by its own attorney for the injunctive relief or civil penalty, or both, as authorized by this chapter against the person who committed, is committing, or is threatening to commit the violation, if it appears that a violation or threat of violation of Chapter 366, Health and Safety Code, under the commission's jurisdiction or a rule adopted or a permit issued under that chapter has occurred or is occurring in the jurisdiction of a local government.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.