

BILL ANALYSIS

Senate Research Center
78R6746 MI-D

S.B. 1361
By: Staples
Natural Resources
4/8/2003
As Filed

DIGEST AND PURPOSE

The Texas Water Code gives the Texas Commission on Environmental Quality (TCEQ) the authority to conduct a citizen's evidence program. This program allows a private individual to independently collect and submit evidence of environmental violations to TCEQ. The evidence may be used to initiate a TCEQ investigation or in enforcement proceeding. As proposed, S.B. 1361 allows citizens to submit evidence to TCEQ to initiate an investigation but prohibits the evidence from being used in enforcement proceedings.

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 Sections 7.0025(c) and (d), Water Code, as follows:

(c) Authorizes the Texas Commission on Environmental Quality (TCEQ) by rule to adopt criteria for the executive director to use in evaluating the value and credibility of information received from a private individual. Deletes text including the use of information in an enforcement action.

(d) Prohibits TCEQ from using information received from a private individual or testimony by the private individual regarding that information as evidence in an enforcement action. Deletes text relating to a private individual who submits information.

SECTION 2. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of this Act prospective.