

## **BILL ANALYSIS**

Senate Research Center  
86R6491 MP-F

S.B. 534  
By: Birdwell  
Natural Resources & Economic Development  
3/25/2019  
As Filed

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

Under current law, the Texas Commission on Environmental Quality (TCEQ) is required to publish newspaper notice and hold hearings for proposed rules under the Texas Clean Air Act. Notice of a hearing to adopt a rule must be published at least 20 days before the scheduled date of the hearing in at least three separate newspapers for a rule with statewide implications and at least one newspaper of general circulation in the area the proposed rule will have an impact. With direct email capability and increased utilization of the TCEQ website by the regulated community and the public at large, newspaper notice is becoming less efficient and more expensive.

S.B. 534 by Birdwell removes the requirement for newspaper publication, while still allowing for other options to provide notice. The bill requires that notice of a hearing to adopt a proposed rule under the Texas Clean Air Act be posted on TCEQ's website, while still allowing for the use of email or newspaper publication to provide notice of a scheduled hearing. The notice required for a hearing to adopt a proposed rule must be provided at least 20 days before the date of the hearing and include the date, time, place, and purpose of the hearing for the proposed rule.

Passage of the legislation would provide for increased efficiency in and reduced expenses associated with the rulemaking process, while still allowing for notice via newspaper for those that don't utilize email or the internet.

As proposed, S.B. 534 amends current law relating to the notice of a hearing to adopt a proposed rule under the Texas Clean Air Act.

### **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 382.017(b), Health and Safety Code, as follows:

(b) Requires the Texas Commission on Environmental Quality (TCEQ) to provide notice of a hearing to adopt a proposed rule under this chapter on the TCEQ Internet website, and authorizes TCEQ to provide notice of the hearing by other means, including by electronic transmission or newspaper publication. Requires that the notice of a scheduled hearing under this subsection:

(1) include the date, time, place, and purpose of the hearing for the proposed rule; and

(2) be provided not later than the 20th day before the date scheduled for the hearing. Deletes existing text regarding notice requirements for a rule with statewide effect and for a rule with regional effect.

SECTION 2. Makes application of this Act prospective to September 21, 2019.

SECTION 3. Effective date: September 1, 2019.