

By: Geren, Harless, Burkett, Longoria

H.B. No. 1794

Substitute the following for H.B. No. 1794:

By: King of Parker

C.S.H.B. No. 1794

A BILL TO BE ENTITLED

AN ACT

1
2 relating to suits brought by local governments for violations of
3 certain laws under the jurisdiction of, or rules adopted or orders
4 or permits issued by, the Texas Commission on Environmental
5 Quality; affecting civil penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter H, Chapter 7, Water Code, is amended
8 by adding Sections 7.359, 7.360, and 7.361 to read as follows:

9 Sec. 7.359. LIMITATION ON CIVIL PENALTY. (a) In a suit
10 brought by a local government under this subchapter, a person may be
11 assessed a civil penalty of not less than \$50 and not more than
12 \$25,000 for each day of each violation, provided that the total
13 amount assessed may not exceed \$4.3 million.

14 (b) This section does not limit the state's authority to
15 pursue the assessment of a civil penalty under this chapter.

16 Sec. 7.360. FACTORS TO BE CONSIDERED IN DETERMINING AMOUNT
17 OF CIVIL PENALTY. In determining the amount of a civil penalty to
18 be assessed in a suit brought by a local government under this
19 subchapter, the trier of fact shall consider the factors described
20 by Section 7.053.

21 Sec. 7.361. LIMITATIONS. A suit for a civil penalty that is
22 brought by a local government under this subchapter must be brought
23 not later than the fifth anniversary of the earlier of the date the
24 person who committed the violation:

1 (1) notifies the commission in writing of the
2 violation; or

3 (2) receives a notice of enforcement from the
4 commission with respect to the alleged violation.

5 SECTION 2. The changes in law made by this Act apply only to
6 a violation that occurs on or after the effective date of this Act.
7 A violation that occurs before the effective date of this Act is
8 governed by the law in effect on the date the violation occurred,
9 and the former law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2015.