

1-1 By: Geren, et al. (Senate Sponsor - Hancock) H.B. No. 1794
 1-2 (In the Senate - Received from the House April 29, 2015;
 1-3 May 6, 2015, read first time and referred to Committee on Natural
 1-4 Resources and Economic Development; May 13, 2015, reported
 1-5 adversely, with favorable Committee Substitute by the following
 1-6 vote: Yeas 9, Nays 0; May 13, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19			X	

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 1794 By: Hancock

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to suits brought by local governments for violations of
 1-24 certain laws under the jurisdiction of, or rules adopted or orders
 1-25 or permits issued by, the Texas Commission on Environmental
 1-26 Quality; affecting civil penalties.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 7.107, Water Code, is amended to read as
 1-29 follows:

1-30 Sec. 7.107. DIVISION OF CIVIL PENALTY. Except in a suit
 1-31 brought for a violation of Chapter 28 of this code or of Chapter
 1-32 401, Health and Safety Code, a civil penalty recovered in a suit
 1-33 brought under this subchapter by a local government shall be
 1-34 ~~equally~~ divided as follows ~~between~~:

1-35 (1) the first \$4.3 million of the amount recovered
 1-36 shall be divided equally between:

1-37 (A) the state; and

1-38 (B) ~~[(2)]~~ the local government that brought the
 1-39 suit; and

1-40 (2) any amount recovered in excess of \$4.3 million
 1-41 shall be awarded to the state.

1-42 SECTION 2. Subchapter H, Chapter 7, Water Code, is amended
 1-43 by adding Sections 7.359 and 7.360 to read as follows:

1-44 Sec. 7.359. FACTORS TO BE CONSIDERED IN DETERMINING AMOUNT
 1-45 OF CIVIL PENALTY. In determining the amount of a civil penalty to
 1-46 be assessed in a suit brought by a local government under this
 1-47 subchapter, the trier of fact shall consider the factors described
 1-48 by Section 7.053.

1-49 Sec. 7.360. LIMITATIONS. A suit for a civil penalty that is
 1-50 brought by a local government under this subchapter must be brought
 1-51 not later than the fifth anniversary of the earlier of the date the
 1-52 person who committed the violation:

1-53 (1) notifies the commission in writing of the
 1-54 violation; or

1-55 (2) receives a notice of enforcement from the
 1-56 commission with respect to the alleged violation.

1-57 SECTION 3. The changes in law made by this Act apply only to
 1-58 a violation that occurs on or after the effective date of this Act.
 1-59 A violation that occurs before the effective date of this Act is
 1-60 governed by the law in effect on the date the violation occurred,

2-1 and the former law is continued in effect for that purpose.

2-2 SECTION 4. This Act takes effect September 1, 2015.

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