

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 17, 2003

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3164 by Capelo (Relating to initiating the prosecution of environmental crimes.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Commission on Environmental Quality (TCEQ) to adopt rules to set up a process to conduct criminal enforcement reviews to ensure statewide consistency in the interpretation and enforcement of environmental laws.

Local Government Impact

Local governments that have received penalties from criminal prosecution that would be subject to the requirements of this bill could receive less revenues as a result of the bill's passage. Under current law, a county involved in prosecuting a case under Water Code, Subchapter E, is eligible to receive 50 percent to 75 percent of any fine recovered. The bill would reduce this amount to 20 percent of any fine recovered.

According to the TCEQ, Harris County has received at least \$431,875 over the last 3 fiscal years from the type of prosecutions that would be subject to the requirements of the bill. Upon passage of the bill, this amount could be reduced by \$273,565. Because of the cost associated with prosecuting these types of cases, such as the need for lab analysis and expert witnesses, this could result in a local unit of government not being able to recover the total cost of a prosecution.

Source Agencies: 302 Office of the Attorney General, 582 Commission on Environmental Quality

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