

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 1

May 7, 2003

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1265 by Armbrister (Relating to prosecution of environmental crimes.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is not expected that the Commission on Environmental Quality or the Attorney General would incur significant costs as a result of the bill's passage.

Local Government Impact

Local governments that receive penalties from criminal prosecution would be subject to the requirements of the bill and could possibly receive less money as a result of Section (e) of the bill. Currently, under Section 7.190 of the Water Code, a county involved in prosecuting a case under subchapter E of the Water Code could receive 50 to 75 percent of any fine recovered. Section (e) of the bill would reduce this amount to 30 percent of any fine recovered. For example, Harris County has received at least \$431,875 over the last 3 fiscal years from the kind of prosecutions that would be subject to the requirements of the bill. If the provisions of the bill were in place, this amount would drop to approximately \$210,000. Because of the cost associated with prosecuting these types of cases, such as the need for lab analysis and expert witnesses, the split provided in Section (e) of the bill could result in a local unit of government not being able to recover the total cost of the prosecution.

Section 2 of the bill would also generate additional fine revenue for local governments. If the TCEQ does not make a determination about an alleged environmental violation within a 45-day period, a local prosecuting attorney may bring an action for criminal prosecution, and the local entity may retain one hundred percent of any fines recovered through the prosecution.

Source Agencies:

LBB Staff: JK, CL, TL, KG