

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 13, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1265 by Armbrister (Relating to prosecution of environmental crimes.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The Commission on Environmental Quality and the Office of the Attorney General expect no significant additional costs as a result of the bill's passage.

Local Government Impact

Local governments that have received penalties from criminal prosecution would be subject to the requirements of this bill and could possibly receive less money as a result of Section (e). 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) would reduce this amount to 20 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 prosecution that would be subject to the requirements of the bill. If the provisions of the bill were in place, this amount would drop to \$158,310. 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) could result in a local unit of government not being able to recover the total cost of the prosecution.

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

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