

By: Morales Shaw

H.B. No. 3913

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disposition and use of the state's portion of civil
3 penalties recovered in suits brought by local governments for
4 violations of certain laws under the jurisdiction of, or rules
5 adopted or orders or permits issued by, the Texas Commission on
6 Environmental Quality.

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

8 SECTION 1. Section 7.107, Water Code, is amended to read as
9 follows:

10 Sec. 7.107. DIVISION OF CIVIL PENALTY; DISPOSITION OF
11 STATE'S PORTION OF CIVIL PENALTY. (a) Except in a suit brought for
12 a violation of Chapter 28 of this code or of Chapter 401, Health and
13 Safety Code, a civil penalty recovered in a suit brought under this
14 subchapter by a local government shall be divided as follows:

15 (1) the first \$4.3 million of the amount recovered
16 shall be divided equally between:

17 (A) the state; and

18 (B) the local government that brought the suit;

19 and

20 (2) any amount recovered in excess of \$4.3 million
21 shall be awarded to the state.

22 (b) The state's portion of a civil penalty under Subsection

23 (a) shall be deposited to the credit of the environmental

24 remediation fund created under Section 7.1075.

1 SECTION 2. Subchapter D, Chapter 7, Water Code, is amended
2 by adding Section 7.1075 to read as follows:

3 Sec. 7.1075. ENVIRONMENTAL REMEDIATION FUND. (a) The
4 environmental remediation fund is created as a fund in the state
5 treasury, administered by the commission.

6 (b) The environmental remediation fund consists of money
7 deposited to the credit of the fund under Section 7.107.

8 (c) Money in the fund may be used only for environmental
9 remediation projects.

10 (d) In using money in the fund, the commission shall give
11 preference to environmental remediation projects that are located
12 in counties in which a violation for which a civil penalty was
13 deposited to the fund under Section 7.107 occurred.

14 SECTION 3. The change in law made by this Act applies only
15 to a violation that occurs on or after the effective date of this
16 Act. A violation that occurs before the effective date of this Act
17 is governed by the law in effect on the date the violation occurred,
18 and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect September 1, 2023.