

By: Christian

H.B. No. 1411

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of a penalty imposed on a county by the Texas Commission on Environmental Quality.

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

SECTION 1. Section 7.069, Water Code, is amended to read as follows:

Sec. 7.069. DISPOSITION OF PENALTY. (a) Except as provided by Subsection (b), a [A] penalty collected under this subchapter shall be deposited to the credit of the general revenue fund.

(b) A penalty collected under this subchapter from a county with a population of less than 75,000 shall be deposited in the general fund of the county and used only:

(1) for correcting the violation for which the penalty was imposed; or

(2) if the commission approves a supplemental environmental project under Section 7.067, for implementing the supplemental environmental project.

SECTION 2. Section 7.107, Water Code, is amended to read as follows:

Sec. 7.107. DISPOSITION [~~DIVISION~~] OF CIVIL PENALTY. (a) Except in a suit brought for a violation of Chapter 28 of this code or of Chapter 401, Health and Safety Code, or as provided by Subsection (b), a civil penalty recovered in a suit brought under this subchapter by a local government shall be equally divided

1 between:

2 (1) the state; and

3 (2) the local government that brought the suit.

4 (b) A penalty collected under this subchapter from a county
5 with a population of less than 75,000 shall be deposited in the
6 general fund of the county and used only for correcting the
7 violation for which the penalty was imposed.

8 SECTION 3. Section 7.190, Water Code, is amended to read as
9 follows:

10 Sec. 7.190. DISPOSITION OF FINES. (a) Except as provided
11 by Subsection (b) or (c), a [A] fine recovered through a prosecution
12 brought under this subchapter shall be divided equally between the
13 state and any local government significantly involved in
14 prosecuting the case.

15 (b) If [~~, except that if~~] the court determines that the
16 state or the local government bore significantly more of the burden
17 of prosecuting the case, the court may apportion up to 75 percent of
18 the fine to the government that predominantly prosecuted the case.

19 (c) A fine collected under this subchapter from a county
20 with a population of less than 75,000 shall be deposited in the
21 general fund of the county and used only for correcting the
22 violation for which the fine was imposed.

23 SECTION 4. (a) This Act takes effect September 1, 2003.

24 (b) The changes in law made by this Act to Sections 7.069,
25 7.107, and 7.190, Water Code, apply to a penalty or fine imposed on
26 or after September 1, 2003. A penalty or fine imposed before that
27 date is governed by the law in effect on the date the penalty or fine

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1 was imposed, and that law is continued in effect for that purpose.