

By: Phillips

H.B. No. 2133

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of an administrative penalty imposed by the  
3 Texas Commission on Environmental Quality against a municipally  
4 owned utility to ameliorate the violation for which the penalty was  
5 imposed.

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

7 SECTION 1. Subchapter B, Chapter 7, Water Code, is amended  
8 by adding Section 7.034 to read as follows:

9 Sec. 7.034. AMELIORATION OF VIOLATION BY MUNICIPALLY OWNED  
10 UTILITY. (a) In this section, "municipally owned utility" and  
11 "facilities" have the meanings assigned by Section 13.002.

12 (b) In lieu of ordering payment of an administrative penalty  
13 under Subchapter C against a municipally owned utility for a  
14 deficiency in the utility's facilities, the commission may allow  
15 the utility to use any portion of the penalty to ameliorate the  
16 violation or to improve the facilities.

17 SECTION 2. Section 7.034, Water Code, as added by this Act,  
18 applies only to a violation that occurs on or after the effective  
19 date of this Act. A violation that occurs before the effective date  
20 of this Act is covered by the law in effect on the date the violation  
21 occurred, and the former law is continued in effect for that  
22 purpose.

23 SECTION 3. This Act takes effect September 1, 2005.