

By: Coleman

H.B. No. 3511

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Commission on Environmental
Quality to adjust a fee or administrative penalty assessed.

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

SECTION 1. Section 5.703, Water Code, is amended by adding
Subsection (d) to read as follows:

(d) The commission may not reduce a generally applicable fee
the commission by rule has established for a permit application,
report, service provided by the commission, or other matter to an
amount that is less than 25 percent of the established fee unless
the commission by rule establishes that reduced amount as the new
generally applicable fee.

SECTION 2. Subchapter C, Chapter 7, Water Code, is amended
by adding Section 7.0671 to read as follows:

Sec. 7.0671. LIMITATION ON AUTHORITY TO REDUCE
ADMINISTRATIVE PENALTY. The commission may not reduce an
administrative penalty the commission has finally assessed against
a person to an amount that is less than 25 percent of the penalty
amount assessed, including a reduction of a penalty as otherwise
authorized by Section 7.067.

SECTION 3. Sections 5.703(d) and 7.0671, Water Code, as
added by this Act, apply to any fee or administrative penalty owed
to the commission on or after the effective date of this Act except
for a fee or administrative penalty the amount of which has been

1 reduced by an enforceable agreement entered into before the
2 effective date of this Act.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2007.