

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 3, 2009**

**TO:** Honorable Byron Cook, Chair, House Committee on Environmental Regulation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB826** by Gattis (Relating to the relationship between the amount of an administrative penalty imposed by the Texas Commission on Environmental Quality and the economic benefit of the violation to the alleged violator.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would require the Texas Commission on Environmental Quality (TCEQ) to, when determining the amount of an administrative penalty, ensure that the penalty is at least equal to the value of the economic benefit gained by the alleged violator. The bill would provide that such economic benefit enhancement could not result in the imposition of a penalty that exceeds the statutory maximum. The bill also would allow a governmental entity or nonprofit organization to defer payment of any portion of the penalty attributable to economic benefit on condition that the entity or organization comply with the schedule and terms of the enforcement order.

Additional workload to the TCEQ in determining and assessing economic penalties is expected to be absorbed within the agency's existing budget.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 582 Commission on Environmental Quality

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