

By: Farrar

H.B. No. 3543

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the inclusion of certain local government enforcement
3 actions in the evaluation of compliance history by the Texas
4 Commission on Environmental Quality.

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

6 SECTION 1. Section 5.753(b), Water Code, is amended to read
7 as follows:

8 (b) The components of compliance history must include:

9 (1) enforcement orders, court judgments, consent
10 decrees, and criminal convictions of a local government to which
11 the commission refers complaints for investigation, this state, and
12 the federal government relating to compliance with applicable legal
13 requirements under the jurisdiction of the commission or the United
14 States Environmental Protection Agency;

15 (2) notwithstanding any other provision of this code,
16 orders issued under Section 7.070;

17 (3) to the extent readily available to the commission,
18 enforcement orders, court judgments, and criminal convictions
19 relating to violations of environmental laws of other states; and

20 (4) changes in ownership.

21 SECTION 2. The change in law made by this Act applies only
22 to an enforcement order, court judgment, consent decree, or
23 criminal conviction of a local government that becomes final on or
24 after the effective date of this Act.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.