

BILL ANALYSIS

H.B. 1269
By: Springer
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding the Texas Commission on Environmental Quality's penalty amounts for municipal and county environmental infractions being the same across the board without taking into account the population density or financial data of the affected area. These parties see a need to ease the burden on certain rural communities, and they have proposed, as an alternative to penalties, that these communities be able to engage in approved supplemental environmental projects while concurrently investing in upgrades for the facilities in which a violation occurred. H.B. 1269 seeks to implement this alternative.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1269 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to approve a supplemental environmental project that is necessary to bring a respondent in an enforcement action into compliance with environmental laws, or that is necessary to remediate environmental harm caused by the respondent's alleged violation, in lieu of payment of an administrative penalty if the respondent is a county with a population of less than 50,000 or another local government any part of the territory of which is located in such a county. The bill requires such a respondent, in addition to implementing a supplemental environmental project, to spend an amount equal to the difference between the cost of the project and the amount of the penalty in lieu of which the project is to be implemented in upgrading the facility at which the violation for which the penalty was assessed occurred if the cost of the project is less than the amount of the penalty.

H.B. 1269 exempts a respondent to which the bill applies from a policy developed by TCEQ to prevent local governments from systematically avoiding compliance through the use of supplemental environmental projects that are necessary to bring a respondent into compliance with environmental laws or that are necessary to remediate environmental harm caused by the respondent's alleged violation.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.