

AN ACT

relating to suits brought by local governments for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality; affecting civil penalties.

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

SECTION 1. Section 7.107, Water Code, is amended to read as follows:

Sec. 7.107. DIVISION OF CIVIL PENALTY. Except in a suit brought for a violation of Chapter 28 of this code or of Chapter 401, Health and Safety Code, a civil penalty recovered in a suit brought under this subchapter by a local government shall be ~~equally~~ divided as follows ~~between~~:

(1) the first \$4.3 million of the amount recovered shall be divided equally between:

(A) the state; and

(B) ~~(2)~~ the local government that brought the suit; and

(2) any amount recovered in excess of \$4.3 million shall be awarded to the state.

SECTION 2. Subchapter H, Chapter 7, Water Code, is amended by adding Sections 7.359 and 7.360 to read as follows:

Sec. 7.359. FACTORS TO BE CONSIDERED IN DETERMINING AMOUNT OF CIVIL PENALTY. In determining the amount of a civil penalty to

1 be assessed in a suit brought by a local government under this
2 subchapter, the trier of fact shall consider the factors described
3 by Section 7.053.

4 Sec. 7.360. LIMITATIONS. A suit for a civil penalty that is
5 brought by a local government under this subchapter must be brought
6 not later than the fifth anniversary of the earlier of the date the
7 person who committed the violation:

8 (1) notifies the commission in writing of the
9 violation; or

10 (2) receives a notice of enforcement from the
11 commission with respect to the alleged violation.

12 SECTION 3. The changes in law made by this Act apply only to
13 a violation that occurs on or after the effective date of this Act.
14 A violation that occurs before the effective date of this Act is
15 governed by the law in effect on the date the violation occurred,
16 and the former law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 1794 was passed by the House on April 28, 2015, by the following vote: Yeas 108, Nays 36, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1794 on May 22, 2015, by the following vote: Yeas 116, Nays 17, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1794 was passed by the Senate, with amendments, on May 20, 2015, by the following vote: Yeas 24, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor