

1-1 By: Hancock S.B. No. 1509
 1-2 (In the Senate - Filed March 12, 2015; March 23, 2015, read
 1-3 first time and referred to Committee on Natural Resources and
 1-4 Economic Development; April 30, 2015, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 9,
 1-6 Nays 0; April 30, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19			X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1509 By: Hancock

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to suits brought by local governments for violations of
 1-24 certain laws under the jurisdiction of, or rules adopted or orders
 1-25 or permits issued by, the Texas Commission on Environmental
 1-26 Quality; affecting civil penalties.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Subchapter H, Chapter 7, Water Code, is amended
 1-29 by adding Sections 7.359, 7.360, and 7.361 to read as follows:

1-30 Sec. 7.359. LIMITATION ON CIVIL PENALTY. (a) In a suit
 1-31 brought by a local government under this subchapter, a person may be
 1-32 assessed a civil penalty of not less than \$50 and not more than
 1-33 \$25,000 for each day of each violation, provided that the total
 1-34 amount assessed may not exceed \$4.3 million.

1-35 (b) This section does not limit the state's authority to
 1-36 pursue the assessment of a civil penalty under this chapter.

1-37 Sec. 7.360. FACTORS TO BE CONSIDERED IN DETERMINING AMOUNT
 1-38 OF CIVIL PENALTY. In determining the amount of a civil penalty to
 1-39 be assessed in a suit brought by a local government under this
 1-40 subchapter, the trier of fact shall consider the factors described
 1-41 by Section 7.053.

1-42 Sec. 7.361. LIMITATIONS. A suit for a civil penalty that is
 1-43 brought by a local government under this subchapter must be brought
 1-44 not later than the fifth anniversary of the earlier of the date the
 1-45 person who committed the violation:

1-46 (1) notifies the commission in writing of the
 1-47 violation; or

1-48 (2) receives a notice of enforcement from the
 1-49 commission with respect to the alleged violation.

1-50 SECTION 2. The changes in law made by this Act apply only to
 1-51 a violation that occurs on or after the effective date of this Act.
 1-52 A violation that occurs before the effective date of this Act is
 1-53 governed by the law in effect on the date the violation occurred,
 1-54 and the former law is continued in effect for that purpose.

1-55 SECTION 3. This Act takes effect September 1, 2015.

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