

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 28, 2015

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1509** by Hancock (Relating to maximum penalties for certain environmental violations.), **As Introduced**

The bill would have an indeterminate revenue loss to the General Revenue Fund as the penalty awards under current law are state revenue. The impact cannot be determined based on the unavailability of the number of cases and the associated penalties.

The bill would amend the Water Code relating to maximum penalties for certain environmental violations. The bill would permit local government to assess, for each violation, civil penalties of \$50 to \$25,000 per violation for each day of each violation, up to 120 days. The bill would permit certain violations continuing for more than 120 days to be assessed of a civil penalty of \$50 to \$1,000 for each violation for each day. Under the provisions of the bill, each day of a continuing violation would be a separate violation and certain specified civil penalties could not be calculated beyond a certain time frame. The bill provides factors to be considered in determining penalty amounts; limitations on civil penalties; and time limitations for lawsuits.

The Office of Court Administration reported no significant fiscal impact to the state court system is anticipated.

Local Government Impact

There could be an increase in revenue to local governmental entities depending on the number of future cases and penalties assessed. The potential fiscal impact cannot be determined based on the unavailability of data.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: UP, SZ, SD, EK