

BILL ANALYSIS

H.B. 3981
By: Leach
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that civil suits brought by some local governments to enforce certain environmental laws and regulations, especially those brought on a contingency fee basis using private lawyers, are too often likely to pursue excessive penalties which may not be in the best economic interests of the community. H.B. 3981 seeks to reduce the potential for misuse of this authority by prohibiting contingent fee contracts for legal services in such actions and by authorizing the attorney general to settle a civil suit brought by a local government without the consent or approval of the local government, subject to certain conditions.

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. 3981 amends the Water Code to authorize the attorney general, for a civil suit brought by a local government for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality (TCEQ), to settle the suit in full satisfaction of the claims asserted without the consent or approval of the local government for an amount that is consistent with state policy or at the direction of TCEQ. The bill prohibits a local government that is a public agency, as defined under the Regional Waste Disposal Act, from entering into a contingent fee contract for legal services associated with such a civil suit.

EFFECTIVE DATE

September 1, 2019.