

By: Leach

H.B. No. 3981

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to civil suits brought by local governments for violations  
3 of certain laws under the jurisdiction of, or rules adopted or  
4 orders or permits issued by, the Texas Commission on Environmental  
5 Quality.

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

7 SECTION 1. Subchapter H, Chapter 7, Water Code, is amended  
8 by adding Sections 7.361 and 7.362 to read as follows:

9 Sec. 7.361. SETTLEMENT AUTHORITY. The attorney general may  
10 settle in full satisfaction of the claims asserted a civil suit  
11 brought by a local government under this subchapter without the  
12 consent or approval of the local government:

13 (1) for an amount that is consistent with the policies  
14 of the state; or

15 (2) at the direction of the commission.

16 Sec. 7.362. PROHIBITION ON CERTAIN CONTINGENT FEE  
17 CONTRACTS. A local government that is a public agency as defined by  
18 Section 30.003 may not enter into a contingent fee contract as  
19 defined by Section 2254.101, Government Code, for legal services  
20 associated with a civil suit brought under this subchapter.

21 SECTION 2. The change in law made by this Act applies only  
22 to a civil suit under Subchapter H, Chapter 7, Water Code, that is  
23 filed on or after the effective date of this Act. A civil suit filed  
24 before the effective date of this Act is governed by the law in

1 effect on the date the suit was filed, and the former law is  
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2019.