

By: Miles

S.B. No. 364

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to affirmative defenses for a Texas Commission on  
3 Environmental Quality enforcement action for unauthorized emission  
4 or opacity events.

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

6 SECTION 1. The following provisions of the Health and  
7 Safety Code are repealed:

8 (1) Sections 382.0216(f) and (h); and

9 (2) Sections 382.051962(c) and (d).

10 SECTION 2. The changes in law made by this Act apply only to  
11 an enforcement action initiated by the Texas Commission on  
12 Environmental Quality on or after the effective date of this Act. An  
13 enforcement action initiated before the effective date of this Act  
14 is governed by the law in effect immediately before the effective  
15 date of this Act, and the former law is continued in effect for that  
16 purpose.

17 SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2021.