

By: Flores

H.B. No. 4388

A BILL TO BE ENTITLED

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

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

7 SECTION 1. Section 7.3511(d), Water Code, is amended to
8 read as follows:

9 (d) A local government, a person affected, or an authorized
10 agent may institute a claim described by Subsection (b) [~~on or~~
11 ~~after [the 90th day after the date]~~ the attorney general and the
12 executive director of the commission receive the notice required by
13 Subsection (c) unless [~~before the 90th day after the date the notice~~
14 ~~is received]~~ the commission has commenced a proceeding under
15 Subchapter C or the attorney general has commenced a civil suit
16 under Subchapter D concerning at least one of the alleged
17 violations set forth in the notice.

18 SECTION 2. Section 7.3511(e), Water Code, is repealed.

19 SECTION 3. This Act takes effect September 1, 2023.