

By: Orr

H.B. No. 4588

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of aquatic vegetation management by the Parks and Wildlife Department; providing a civil penalty; creating a criminal offense.

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

SECTION 1. Subchapter G, Chapter 11, Parks and Wildlife Code, is amended by adding Sections 11.087, 11.088, 11.089, and 11.090 to read as follows:

Sec. 11.087. REGULATION OF AQUATIC VEGETATION MANAGEMENT.

A person may not undertake any measure to control aquatic vegetation in a public body of surface water except in accordance with:

(1) generally accepted principles of integrated pest management;

(2) the state aquatic vegetation management plan adopted under Section 11.082;

(3) any applicable local aquatic vegetation management plan adopted under Section 11.083; and

(4) any rule adopted under this subchapter.

Sec. 11.088. CIVIL ENFORCEMENT. (a) A person who violates this subchapter or a rule, permit, or order issued or adopted under this subchapter is subject to a civil penalty of not less than \$100 or more than \$10,000 for each act of violation and each day of violation.

1 (b) If a person has violated, is violating, or is  
2 threatening to violate this subchapter or a rule, permit, or order  
3 issued or adopted under this subchapter, the director may bring an  
4 action:

5 (1) to restrain the person from continuing the  
6 violation or threat of violation;

7 (2) to recover a civil penalty under Subsection (a);  
8 or

9 (3) for both injunctive relief and the civil penalty.

10 (c) On the request of the director, the attorney general or  
11 the county attorney of the county in which the violation or threat  
12 of violation occurred shall bring an action authorized by  
13 Subsection (b) in the name of the state.

14 (d) In an action brought under this section, the department,  
15 the attorney general, or the county, as appropriate, may also  
16 recover:

17 (1) the actual investigation costs;

18 (2) reasonable attorney's fees; and

19 (3) reasonable associated costs to bring the action.

20 (e) Money recovered under Subsection (d) shall be credited  
21 to the same operating fund from which the expenditure occurred.

22 Sec. 11.089. CRIMINAL PENALTY. (a) A person commits an  
23 offense if the person violates this subchapter or a rule adopted  
24 under this subchapter.

25 (b) An offense under this section is a Class C Parks and  
26 Wildlife Code misdemeanor.

27 Sec. 11.090. REMEDIES CUMULATIVE. The pendency or

1 determination of a civil action brought under this subchapter or a  
2 criminal prosecution for the same violation does not bar the other  
3 action.

4           SECTION 2. The changes in law made by this Act apply only to  
5 conduct that occurs on or after the effective date of this Act.  
6 Conduct that occurs before the effective date of this Act is  
7 governed by the law in effect on the date the conduct occurred, and  
8 the former law is continued in effect for that purpose.

9           SECTION 3. This Act takes effect September 1, 2025.