By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_.B. No. \_\_\_\_\_

Substitute the following for \_\_\_.B. No. \_\_\_\_:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ C.S.\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

 AN ACT

relating to suits brought by local governments for violations of certain laws under the jurisdiction of, or rules adopted or orders or permits issued by, the Texas Commission on Environmental Quality; affecting civil penalties.

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

SECTION 1. Subchapter H, Chapter 7, Water Code, is amended by adding Sections 7.359, 7.360, and 7.361 to read as follows:

Sec. 7.359.  LIMITATION ON CIVIL PENALTY. (a) Notwithstanding section 7.107 or other provisions of this chapter, in a suit brought by a local government under this subchapter, a person may be assessed a civil penalty of not less than $50 and not more than $25,000 for each day of each violation, in an amount not to exceed $4.3 million.

(b)  A person may not be assessed a civil penalty under Subsection (a) for a violation that occurs during the period beginning on the date on which the person notifies the commission in writing of the violation and ending on the date on which the person completes any necessary assessment or remediation under a program required by the commission.

Sec. 7.360.  FACTORS TO BE CONSIDERED IN DETERMINING AMOUNT OF CIVIL PENALTY. In determining the amount of a civil penalty to be assessed in a suit brought by a local government under this subchapter, the trier of fact shall consider the factors described by Section 7.053.

Sec. 7.361.  LIMITATIONS. A suit for a civil penalty brought by a local government under this subchapter must be brought not later than the fifth anniversary of the earlier of the date the person who committed the violation:

(1)  notifies the commission in writing of the violation; or

(2)  receives a notice of enforcement from the commission with respect to the alleged violation.

SECTION 2.  The changes in law made by this Act apply only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2015.