

BILL ANALYSIS

S.B. 394
By: Perry
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that many local communities are receiving large penalties for first-time citations from the Texas Commission on Environmental Quality. These parties argue that it is unfair to penalize a community for an infraction the community may not be aware exists. Additionally, the parties explain, the costs of paying these penalties ultimately end up being passed onto local taxpayers that likely had no knowledge of or involvement in the offense. S.B. 394 seeks to remedy this situation by revising provisions relating to supplemental environmental projects.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 394 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to approve a supplemental environmental project that is necessary to bring a local government that is a respondent in an enforcement action into compliance with environmental laws or that is necessary to remediate environmental harm caused by the local government's alleged violation if the local government has not previously committed a violation at the same site with the same underlying cause in the preceding five years, as documented in a TCEQ order, and did not agree, before the date that TCEQ initiated the enforcement action, to perform the project.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.