

CHAPTER 552

H.B. No. 2432

AN ACT

relating to cost recovery by the state under the Solid Waste Disposal Act; providing penalties.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 361.197(c), Health and Safety Code, is amended to read as follows:

(c) The action may also include a plea seeking civil penalties for noncompliance with the commission's administrative order and a claim for up to *triple* [~~double~~] the state's costs if the responsible party's defenses are determined by the court to be unreasonable, frivolous, or without foundation.

SECTION 2. Section 361.341(d), Health and Safety Code, is amended to read as follows:

(d) If an appeal or third party claim is found by the court to be frivolous, unreasonable, or without foundation, the court may assess damages against the party bringing the appeal or third party claim in an amount not to exceed *triple* [~~twice~~] the costs incurred by the state or the third party defendant, including reasonable attorney's fees, reasonable costs of preparing and providing witnesses, and reasonable costs of studies, analyses, engineering reports, tests, or other projects the court finds were necessary for the preparation of the party's case.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993: Yeas 131, Nays 0, 2 present, not voting; passed by the Senate on May 24, 1993: Yeas 31, Nays 0.

Approved June 8, 1993.

Effective June 8, 1993.