

SUBJECT: Criminalizing intentional or knowing discharge of waste or pollutants

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 7 ayes — Chisum, Bonnen, Kuempel, Uher, Bosse, Geren, Howard
0 nays
2 absent — Dukes, Zbranek

SENATE VOTE: On final passage, March 15 — 30-0 on local and uncontested

WITNESSES: None

BACKGROUND: Water Code, sec. 7.145 provides that a person commits a criminal offense if the person, acting intentionally or knowingly, discharges or allows the discharge of a waste or pollutant into or adjacent to water in the state that causes or threatens to cause water pollution unless the waste or pollutant is discharged in strict compliance with all required permits or with an order issued or a rule adopted by the appropriate regulatory agency.

Water Code, sec. 7.146 provides that a person commits a criminal offense if the person, acting intentionally or knowingly, discharges or allows the discharge of a waste or pollutant from a point source in violation of ch. 26 or of a rule, permit, or order of the appropriate regulatory agency.

An offense committed by an individual under either section is punishable by a fine of not less than \$1,000 and not more than \$100,000, and confinement not to exceed one year.

DIGEST: SB 687 would combine the offenses described in secs 7.145 (discharge into water) and 7.146 (discharge from a point source) into sec. 7.145. The bill would delete section 7.146.

The bill would increase the maximum confinement for an offense committed by an individual from one year to five years.

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The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS
SAY:

CSSB 687 would help deter individuals from polluting by increasing penalties for intentionally or knowingly discharging pollutants into water or a point source. Penalties for knowingly or intentionally violating a statute should be higher than penalties for inadvertently violating a statute.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute conformed the Senate-passed bill to Texas Legislative Council style and format but makes no substantive changes.