

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1876
By: Bivins
Natural Resources
4-25-97
Committee Report (Substituted)

DIGEST

Currently, the enforcement authority of the Texas Natural Resource Conservation Commission (TNRCC) is located in many different sections of the Water Code and the Health and Safety Code. In the past, various regulatory bodies have had jurisdiction over what is now essentially TNRCC's responsibility. As a result, provisions for enforcement actions within TNRCC's jurisdiction are inconsistent, with a potential for inequity in the process. Consolidation would provide a consistency that would expedite rulemaking in enforcement matters and eliminate the need for evaluating the subtle language differences that currently exist. In addition, by consolidating and simplifying TNRCC's enforcement penalties, the public will be better able to determine and understand penalties imposed on polluters. This bill will consolidate the enforcement authority of the Texas Natural Resource Conservation Commission.

PURPOSE

As proposed, C.S.S.B. 1876 consolidates all enforcement authority of the Texas Natural Resource Conservation Commission.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTIONS 1 and 20 (Sections 5.501(c) and (g), 7.305, and 16.236, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5, Water Code, by adding Subchapter L, as follows:

SUBCHAPTER L. EMERGENCY AND TEMPORARY ORDERS

Sec. 5.501. EMERGENCY AND TEMPORARY ORDER OR PERMIT; TEMPORARY SUSPENSION OR AMENDMENT OF PERMIT CONDITION. Sets forth regulations regarding the issuance of temporary or emergency mandatory, permissive, or prohibitory orders, permits by temporary or emergency order and the temporary suspension or amendment of permit conditions by temporary or emergency order of the Texas Natural Resource Conservation Commission (TNRCC). Authorizes TNRCC, by order or rule, to delegate to the executive director of TNRCC (executive director) the authority to take certain actions. Authorizes TNRCC to prescribe rules and adopt pees necessary to carry out and administer this subchapter.

Sec. 5.502. APPLICATION FOR EMERGENCY OR TEMPORARY ORDER. Sets forth regulations regarding an application for an emergency or temporary order.

Sec. 5.503. NOTICE OF ISSUANCE. Requires notice of the issuance of an emergency order to be provided in accordance with TNRCC rules.

Sec. 5.504. HEARING TO AFFIRM, MODIFY, OR SET ASIDE ORDER. Sets forth regulations regarding a hearing to affirm, modify, or set aside an order.

Sec. 5.505. TERM OF ORDER. Requires an emergency or temporary order issued under

this subchapter to be limited to a reasonable time specified by the order. Prohibits the term of an emergency order, except as otherwise provided by this subchapter, from exceeding 180 days. Authorizes an emergency order to be renewed once for a period not to exceed 180 days.

Sec. 5.506. EMERGENCY PERMIT TO DIVERT AND USE WATER; AMENDMENT TO WATER RIGHT. Sets forth regulations regarding an emergency permit to divert and use water or to amend an existing permit.

Sec. 5.507. EMERGENCY ORDER FOR TEMPORARY TRANSFER OF USE OF WATER RIGHT. Sets forth regulations regarding an emergency order for temporary transfer of use of water right.

Sec. 5.508. EMERGENCY SUSPENSION OF PERMIT CONDITION RELATING TO BENEFICIAL INFLOWS TO AFFECTED BAYS AND ESTUARIES AND INSTREAM USES. Sets forth regulations regarding the suspension, by temporary or emergency order of TNRCC, of permit conditions relating to beneficial inflows to affected bays and estuaries and instream uses.

Sec. 5.509. EMERGENCY WORKS SAFETY ORDER. Authorizes TNRCC to issue an emergency order, either mandatory or prohibitory, directing certain persons to repair, modify, maintain, dewater, or remove a work if TNRCC makes certain findings.

Sec. 5.510. EMERGENCY ORDER TO COMPEL WATER OR SEWER SERVICE. Sets forth regulations regarding issuance of an emergency order by TNRCC to compel water or sewer service.

Sec. 5.511. EMERGENCY ORDER FOR OPERATION OF UTILITY THAT DISCONTINUES OPERATION OR IS REFERRED FOR APPOINTMENT OF RECEIVER. Authorizes TNRCC to issue an emergency order appointing a willing person to temporarily manage and operate a utility under Section 7.354. Provides that notice is adequate if the notice is mailed or hand-delivered to the last known address of the utility's headquarters.

Sec. 5.512. EMERGENCY ORDER FOR RATE INCREASE IN CERTAIN SITUATIONS. Sets forth regulations regarding an emergency order for a rate increase in certain situations.

Sec. 5.513. TEMPORARY AND EMERGENCY ORDER RELATING TO DISCHARGE OF WASTE OR POLLUTANTS. Sets forth regulations regarding the issuance of temporary and emergency orders relating to the discharge of waste or pollutants.

Sec. 5.514. EMERGENCY ORDER CONCERNING UNDERGROUND OR ABOVE-GROUND STORAGE TANKS. Sets forth regulations regarding emergency orders concerning underground or above-ground storage tanks.

Sec. 5.515. EMERGENCY ADMINISTRATIVE ORDER CONCERNING IMMINENT AND SUBSTANTIAL ENDANGERMENT. Authorizes TNRCC or the executive director to issue an emergency administrative order under Section 361.272, Health and Safety Code, in the manner provided by this subchapter.

Sec. 5.516. EMERGENCY ORDER CONCERNING ACTIVITY OF SOLID WASTE MANAGEMENT. Authorizes TNRCC to issue an emergency order concerning an activity of solid waste management under TNRCC's jurisdiction, even if that activity is not covered by a permit, if TNRCC finds that an emergency requiring immediate action to protect the public health and safety exists.

Sec. 5.517. EMERGENCY ORDER CONCERNING ON-SITE SEWAGE DISPOSAL SYSTEM. Sets forth regulations regarding an emergency order concerning an on-site sewage

disposal system.

Sec. 5.518. ORDER ISSUED UNDER AIR EMERGENCY. Sets forth regulations regarding orders issued under air emergencies.

Sec. 5.519. EMERGENCY ORDER BECAUSE OF CATASTROPHE. Sets forth regulations regarding the issuance of emergency orders because of a catastrophe.

Sec. 5.520. EMERGENCY ORDER UNDER SECTION 401.056, HEALTH AND SAFETY CODE. Authorizes TNRCC to issue an emergency order under Section 401.056, Health and Safety Code, in the manner provided in this subchapter.

Sec. 5.521. EMERGENCY ORDERS FOR CORRECTIVE ACTION AND MEASURES. Sets forth regulations regarding emergency orders for corrective action and measures.

SECTION 2. Amends Title 2A, Water Code, by adding Chapter 7, as follows:

CHAPTER 7. ENFORCEMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7.001. DEFINITIONS. Defines "commission" and "permit."

Sec. 7.002. ENFORCEMENT AUTHORITY. Sets forth the authority of TNRCC to initiate an action under this subchapter.

Sec. 7.003. ENFORCEMENT REPORT. Sets forth requirements of an enforcement report to be prepared by TNRCC.

Sec. 7.004. REMEDIES CUMULATIVE. Provides that the remedies under this chapter are cumulative of all other remedies. Provides that nothing in this chapter affects the right of any private corporation or individual to pursue any available common-law remedy to abate a condition of pollution or other nuisance, to recover damages, to enforce a right or to prevent or seek redress or compensation for the violation of a right or otherwise redress an injury.

Sec. 7.005. EFFECT ON OTHER LAW. Provides that this chapter does not exempt a person from complying with or being subject to other law.

SUBCHAPTER B. CORRECTIVE ACTION AND INJUNCTIVE RELIEF

Sec. 7.031. CORRECTIVE ACTION RELATING TO HAZARDOUS WASTE. Sets forth regulations regarding corrective action for a release of hazardous waste or hazardous waste constituents.

Sec. 7.032. INJUNCTIVE RELIEF. Sets forth regulations regarding use of an injunction or other appropriate remedy to enforce a valid TNRCC rule, or any term, condition, or provision of a permit issued by TNRCC.

Sec. 7.033. RECOVERY OF SECURITY FOR CHAPTER 401, HEALTH AND SAFETY CODE, VIOLATION. Requires TNRCC to seek reimbursement, either by TNRCC order or by a suit filed under Subchapter D by the attorney general at TNRCC's request, of security from the fund used by TNRCC to pay for actions, including corrective measures, to remedy spills or contamination by radioactive material resulting from a violation of Chapter 401, Health and Safety Code, or a rule adopted or a license, registration, or order issued under that chapter.

SUBCHAPTER C. ADMINISTRATIVE PENALTIES

Sec. 7.051. ADMINISTRATIVE PENALTY. Sets forth regulations regarding administrative penalties to be assessed by TNRCC.

Sec. 7.052. MAXIMUM PENALTY. Sets forth regulations regarding the maximum penalty that may be assessed for violations of certain chapters of the Water Code and Health and Safety Code.

Sec. 7.053. FACTORS TO BE CONSIDERED IN DETERMINATION OF PENALTY AMOUNT. Sets forth factors to be considered by TNRCC in determining the amount of a penalty.

Sec. 7.054. REPORT OF VIOLATION. Authorizes the executive director, if, after examination of a possible violation and the facts surrounding that possible violation, the executive director concludes that a violation has occurred, to issue a preliminary report in accordance with TNRCC rules that includes recommendations regarding any penalty or corrective action.

Sec. 7.055. NOTICE OF REPORT. Requires the executive director, not later than the 10th day after the date on which the report is issued, to give written notice of the report, in accordance with TNRCC rules, to the person charged with the violation.

Sec. 7.056. CONSENT. Authorizes the person charged, not later than the 20th day after the date on which notice is received, to give to TNRCC written consent to the executive director's report, including the recommended penalty, or make a written request for a hearing.

Sec. 7.057. DEFAULT. Requires TNRCC, by order, to assess the penalty or order a hearing to be held on the recommendations in the executive director's report if the person charged with the violation consents to the penalty recommended by the executive director or does not timely respond to the notice. Requires TNRCC, if TNRCC assesses the penalty, to give written notice of its decision to the person charged.

Sec. 7.058. HEARING. Sets forth regulations regarding hearings.

Sec. 7.059. NOTICE OF DECISION. Requires TNRCC to give notice of its decision to the person charged. If TNRCC finds that a violation has occurred and assesses a penalty, to give written notice to the person charged of certain items.

Sec. 7.060. NOTICE OF PENALTY. Requires TNRCC to publish notice of its decision in the Texas Register not later than the 10th day after the date on which the decision is adopted if TNRCC is required to give notice of the penalty under Section 7.057 or 7.059.

Sec. 7.061. PAYMENT OF PENALTY; PETITION FOR REVIEW. Sets forth regulations regarding payment of a penalty and filing of a petition for review.

Sec. 7.062. STAYS. Sets forth regulations regarding stay of a penalty.

Sec. 7.063. CONSENT TO AFFIDAVIT. Sets forth regulations regarding consent to an affidavit.

Sec. 7.064. JUDICIAL REVIEW. Requires judicial review of the order or decision of TNRCC assessing the penalty to be under Chapter 2001G, Government Code.

Sec. 7.065. PENALTY REDUCED OR NOT ASSESSED. Sets forth procedures to be followed if the penalty is reduced or not assessed by the court.

Sec. 7.066. REFERRAL TO ATTORNEY GENERAL. Provides that a person who fails to comply with Section 7.0 waives the right to judicial review, and TNRCC or the executive director may refer the matter to the attorney general for enforcement.

Sec. 7.067. SUPPLEMENTAL ENVIRONMENTAL PROJECTS. Sets forth regulations regarding supplemental environmental projects. Defines "supplemental environmental projects."

Sec. 7.068. FULL AND COMPLETE SATISFACTION. Provides that payment of an administrative penalty under this subchapter is full and complete satisfaction of the violation for which the penalty is assessed and precludes any other civil or criminal penalty for the same violation.

Sec. 7.069. DISPOSITION OF PENALTY. Requires a penalty collected under this subchapter to be deposited in the state treasury to the credit of the general revenue fund.

Sec. 7.070. FINDINGS OF FACT NOT REQUIRED; RESERVATIONS. Provides that TNRCC, notwithstanding any other provision to the contrary, is not required to make findings of fact or conclusions of law, other than an uncontested finding that TNRCC has jurisdiction in an agreed order compromising or settling an alleged violation of a statute within TNRCC's jurisdiction or of a rule adopted or an order or a permit issued under such a statute. Authorizes an agreed administrative order to include certain reservations.

Sec. 7.071. INADMISSIBILITY. Sets forth admissibility of an agreed administrative order issued by TNRCC under this subchapter.

Sec. 7.072. RECOVERY OF PENALTY. Sets forth regulations regarding penalties recovered under this subchapter.

Sec. 7.073. CORRECTIVE ACTION. Authorizes TNRCC to take certain actions if a person violates any statute or rule with TNRCC's jurisdiction.

Sec. 7.074. HEARING POWERS. Authorizes TNRCC to exercise under this subchapter the hearing powers authorized by Section 26.020.

Sec. 7.075. PUBLIC COMMENT. Sets forth regulations regarding public comments related to an administrative order or proposed agreement to settle an administrative enforcement action.

SUBCHAPTER D. CIVIL PENALTIES

Sec. 7.101. VIOLATION. Prohibits a person from causing, suffering, allowing, or permitting a violation of a statute within TNRCC's jurisdiction or a rule adopted or an order or permit issued under such a statute.

Sec. 7.102. MAXIMUM PENALTY. Sets forth the maximum penalty that may be assessed for certain violations.

Sec. 7.103. CONTINUING VIOLATIONS. Sets forth regulations regarding continuing violations.

Sec. 7.104. NO PENALTY FOR FAILURE TO PAY CERTAIN FEES. Prohibits a civil penalty from being assessed for failure to pay a fee under Section 371.062, Health and Safety Code, or to file a report under Section 371.024, Health and Safety Code.

Sec. 7.105. CIVIL SUIT. Requires the attorney general, on the request of the executive director or TNRCC, to institute a suit in the name of the state for the injunctive relief under Section 7.032 to recover a civil penalty, or for both injunctive relief and a civil penalty. Requires TNRCC, through the executive director, to refer a matter to the attorney general's office for enforcement through civil suit if certain conditions are met. Authorizes the suit to be brought in Travis County, in the county in which the defendant resides, or in the county in which the violation or threat of violation occurs.

Sec. 7.106. RESOLUTION THROUGH ADMINISTRATIVE ORDER. Authorizes the attorney general's office and the executive director to agree to resolve any violations, before or after referral, by an administrative order issued under Subchapter C by TNRCC with the approval of the attorney general.

Sec. 7.107. DIVISION OF CIVIL PENALTY. Sets forth division of a civil penalty recovered in a suit brought under this subchapter, except in a suit brought for a violation of Chapter 28 of this code or of Chapter 401, Health and Safety Code.

Sec. 7.108. ATTORNEY'S FEES. Authorizes the state, if it prevails in a suit under this subchapter, to recover reasonable attorney's fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

Sec. 7.109. PARKS AND WILDLIFE DEPARTMENT JURISDICTION. Sets forth jurisdiction of the Parks and Wildlife Department (department).

Sec. 7.110. COMMENTS. Sets forth regulations regarding an agreed final judgment, consent order, voluntary settlement agreement, or other voluntary settlement agreement.

Sec. 7.111. RECOVERY OF SECURITY FOR CHAPTER 401, HEALTH AND SAFETY CODE, VIOLATION. Requires the attorney general, on request by TNRCC, to file suit to recover security under Section 7.033.

SUBCHAPTER E. CRIMINAL OFFENSES AND PENALTIES

Sec. 7.141. DEFINITIONS. Defines "appropriate regulatory agency," "corporation," "association," "large quantity generator," "medical waste," "serious bodily injury," and "small quantity generator."

Sec. 7.142. VIOLATIONS RELATING TO UNLAWFUL USE OF STATE WATER. Sets forth penalties for violations relating to unlawful use of state water.

Sec. 7.143. VIOLATION OF CHAPTER 13. Provides that a person commits a third degree felony if the person wilfully and knowingly violates Chapter 13.

Sec. 7.144. VIOLATION RELATING TO LEVEE CONSTRUCTION OR REPAIR. Sets forth penalties for a violation relating to levee construction or repair.

Sec. 7.145. VIOLATION OF MINIMUM STATE STANDARDS OR MODEL POLITICAL SUBDIVISION RULES. Sets forth penalties for a violation of minimum state standards or model political subdivision rules.

Sec. 7.146. VIOLATION RELATING TO WEATHER MODIFICATION. Sets forth penalties for a violation relating to weather modification.

Sec. 7.147. INTENTIONAL OR KNOWING UNAUTHORIZED DISCHARGE. Sets forth penalties regarding an intentional or knowing unauthorized discharge.

Sec. 7.148. DISCHARGE FROM POINT SOURCE. Sets forth penalties regarding a discharge from a point source.

Sec. 7.149. UNAUTHORIZED DISCHARGE. Sets forth penalties regarding an unauthorized discharge.

Sec. 7.150. FAILURE TO PROPERLY USE POLLUTION CONTROL MEASURES. Sets forth penalties for the failure to properly use pollution control measures.

Sec. 7.151. FALSE STATEMENT. Sets forth penalties for a false statement by a person.

Sec. 7.152. FAILURE TO NOTIFY OR REPORT. Sets forth penalties for a failure to notify or report as required by Chapter 26, or by a rule, permit, or order of the appropriate regulatory agency.

Sec. 7.153. FAILURE TO PAY FEE. Sets forth penalties for failure to pay a fee.

Sec. 7.154. INTENTIONAL OR KNOWING UNAUTHORIZED DISCHARGE AND KNOWING ENDANGERMENT. Sets forth penalties for a violation relating to a knowing or intentional unauthorized discharge which thereby places a person in imminent danger of death or serious bodily injury.

Sec. 7.155. INTENTIONAL OR KNOWING UNAUTHORIZED DISCHARGE AND ENDANGERMENT. Sets forth penalties for a violation relating to an unauthorized discharge which thereby places another person in danger of death or serious bodily injury.

Sec. 7.156. RECKLESS UNAUTHORIZED DISCHARGE AND ENDANGERMENT. Sets forth penalties for a violation relating to reckless unauthorized discharge and endangerment.

Sec. 7.157. VIOLATION RELATING TO DISCHARGE OR SPILL. Sets forth penalties for a violation relating to a discharge or spill.

Sec. 7.158. VIOLATION RELATING TO UNDERGROUND STORAGE TANK. Sets forth penalties for a violation relating to an underground storage tank.

Sec. 7.159. VIOLATION RELATING TO INJECTION WELLS. Sets forth penalties for a violation relating to injection wells.

Sec. 7.160. VIOLATION RELATING TO PLUGGING WELLS. Sets forth penalties for a violation relating to plugging wells.

Sec. 7.161. VIOLATION RELATING TO WATER WELLS OR DRILLED OR MINED SHAFTS. Sets forth penalties for a violation relating to water wells or drilled or mined shafts.

Sec. 7.162. VIOLATION RELATING TO CERTAIN SUBSURFACE EXCAVATIONS. Sets forth penalties for a violation relating to certain subsurface excavations.

Sec. 7.163. VIOLATIONS RELATING TO PUBLIC DRINKING WATER AND WATER SUPPLIES. Sets forth penalties for violations relating to public drinking water and water supplies.

Sec. 7.164. VIOLATION RELATING TO SOLID WASTE IN ENCLOSED CONTAINERS OR VEHICLES. Sets forth penalties for a violation relating to solid waste in enclosed containers or vehicles. Defines "putrescible waste."

Sec. 7.165. VIOLATIONS RELATING TO HAZARDOUS WASTE. Sets forth penalties for violations relating to hazardous waste.

Sec. 7.166. VIOLATIONS RELATING TO HAZARDOUS WASTE AND ENDANGERMENT. Sets forth penalties for violations relating to hazardous waste which places a person in imminent danger of death or serious bodily injury.

Sec. 7.167. VIOLATIONS RELATING TO MEDICAL WASTE: LARGE GENERATOR. Sets forth penalties for violations relating to medical waste by a person who is a large quantity generator.

Sec. 7.168. VIOLATIONS RELATING TO MEDICAL WASTE: SMALL GENERATOR. Sets forth penalties for violations relating to medical waste by a person who is a small

quantity generator.

Sec. 7.169. VIOLATIONS RELATING TO TRANSPORTATION OF MEDICAL WASTE. Sets forth penalties for violations relating to medical waste transportation.

Sec. 7.170. FALSE STATEMENTS RELATING TO MEDICAL WASTE. Sets forth penalties for false statements relating to medical waste.

Sec. 7.171. INTENTIONAL OR KNOWING VIOLATION RELATING TO MEDICAL WASTE AND KNOWING ENDANGERMENT. Sets forth penalties for intentional or knowing violations relating to medical waste and knowing endangerment.

Sec. 7.172. INTENTIONAL OR KNOWING VIOLATION RELATING TO MEDICAL WASTE AND ENDANGERMENT. Sets forth penalties for intentional or knowing violations relating to medical waste and endangerment.

Sec. 7.173. INTENTIONAL OR KNOWING RELEASE OF MEDICAL WASTE INTO ENVIRONMENT AND ENDANGERMENT. Sets forth penalties for the intentional or knowing release of medical waste into the environment and endangerment.

Sec. 7.174. RECKLESS RELEASE OF MEDICAL WASTE INTO ENVIRONMENT AND ENDANGERMENT. Sets forth penalties for the reckless release of medical waste into the environment thereby endangering another person.

Sec. 7.175. FAILURE OF SEWAGE SYSTEM INSTALLER TO REGISTER. Sets forth penalties for failure of a sewage system installer to register.

Sec. 7.176. VIOLATION RELATING TO SEWAGE DISPOSAL NEAR INTERNATIONAL BORDER. Sets forth penalties for a violation relating to sewage disposal near an international border.

Sec. 7.177. VIOLATION OF SEWAGE DISPOSAL SYSTEM PERMIT PROVISION. Sets forth penalties for violations of sewage disposal system permit provisions.

Sec. 7.178. EMERGENCY REPAIR NOT AN OFFENSE. Provides that an emergency repair to an on-site sewage disposal system without a permit in accordance with the rules adopted under Section 366.012(a)(1)(C), Health and Safety Code, is not an offense under Section 7.175, 7.176, or 7.177 if a written statement describing the need for the repair is provided to TNRCC or its authorized agency not later than 72 hours after the repair is begun.

Sec. 7.179. VIOLATIONS RELATING TO HANDLING OF USED OIL. Sets forth penalties for violations relating to the handling of used oil.

Sec. 7.180. VIOLATIONS OF CLEAN AIR ACT. Sets forth penalties for violations of the Clean Air Act (CAA).

Sec. 7.181. FAILURE TO PAY FEES UNDER CLEAN AIR ACT. Sets forth penalties for failure to pay fees under CAA.

Sec. 7.182. FALSE REPRESENTATIONS UNDER CLEAN AIR ACT. Sets forth penalties for false representation under CAA.

Sec. 7.183. FAILURE TO NOTIFY UNDER CLEAN AIR ACT. Sets forth penalties for a failure to notify under CAA.

Sec. 7.184. IMPROPER USE OF MONITORING DEVICE. Sets forth penalties for improper use of a monitoring device.

Sec. 7.185. RECKLESS EMISSION OF AIR CONTAMINANT AND

ENDANGERMENT. Sets forth penalties for a reckless emission of an air contaminant which thereby endangers another person.

Sec. 7.186. INTENTIONAL OR KNOWING EMISSION OF AIR CONTAMINANT AND KNOWING ENDANGERMENT. Sets forth penalties for an intentional or knowing emission of an air contaminant which thereby endangers another person.

Sec. 7.187. VIOLATIONS RELATING TO RADIOACTIVE WASTE. Sets forth penalties for violations relating to radioactive waste.

Sec. 7.188. KNOWING OR INTENTIONAL UNAUTHORIZED DISPOSAL OF LEAD-ACID BATTERIES. Sets forth penalties for the knowing or intentional unauthorized disposal of lead-acid batteries.

Sec. 7.189. SEPARATE OFFENSES. Provides that each day a person engages in conduct proscribed by this subchapter constitutes a separate offense.

Sec. 7.190. PENALTIES. Sets forth penalties for a person convicted of an offense under this subchapter.

Sec. 7.191. REPEAT OFFENSES. Provides that, if it is shown at the trial of the defendant that the defendant has previously been convicted of the same offense under this subchapter, the maximum punishment is doubled with respect to both the fine and confinement, unless the offense in Sections 7.102-7.136 specifies otherwise.

Sec. 7.192. VENUE. Sets forth venue for prosecution of an alleged violation under this subchapter.

Sec. 7.193. DISPOSITION OF FINES. Sets forth regulations regarding fines recovered through prosecution brought under this subchapter.

Sec. 7.194. NOTICE OF CONVICTION. Authorizes a person other than an individual that has been adjudged guilty of an offense to be ordered by the court to give notice of the conviction to any person the court considers appropriate in addition to a sentence that may be imposed under this subchapter.

Sec. 7.195. JUDGMENT OF CONVICTION. Requires the clerk of the court in which a conviction is returned to forward a copy of the judgment to TNRCC upon conviction under this subchapter.

Sec. 7.196. PEACE OFFICERS. Provides that, for purposes of this subchapter, the authorized agents and employees of the Parks and Wildlife Department are peace officers. Provides that those agents and employees are empowered to enforce this subchapter the same as any other peace officer, and for that purpose have the powers and duties of peace officers assigned by Chapter 2, Code of Criminal Procedure.

Sec. 7.197. ALLEGATIONS. Provides that, in alleging the name of a defendant private corporation, it is sufficient to state in the complaint, indictment, or information the corporate name or to state any name or designation by which the corporation is known or may be identified. Provides that it is not necessary to allege that the defendant was lawfully incorporated.

Sec. 7.198. SUMMONS AND ARREST. Sets forth regulations regarding summons and arrest after a complaint is filed or an indictment or information presented against a private corporation.

Sec. 7.199. SERVICE OF SUMMONS. Sets forth regulations regarding the service of a summons on a private corporation.

Sec. 7.200. ARRAIGNMENT AND PLEADINGS. Provides that, in all criminal actions instituted against a private corporation under the provisions of this subchapter appearance is for the purpose of arraignment and the corporation has 10 full days after the day the arraignment takes place and before the day the trial begins to file written pleadings.

Sec. 7.201. APPEARANCE. Sets forth regulations regarding appearance at the arraignment and trial.

Sec. 7.202. FINE TREATED AS JUDGMENT IN CIVIL ACTION. Requires a fine, if a person other than an individual is found guilty of a violation of this subchapter and a fine is imposed, to be entered and docketed by the clerk of the court as a judgment against the person, and to be of the same force and effect and be enforced against the person in the same manner as if the judgment were recovered in a civil action.

Sec. 7.203. EFFECT ON CERTAIN OTHER LAWS. Authorizes conduct punishable as an offense under this subchapter that is also punishable under another law to be prosecuted under either law.

Sec. 7.204. DEFENSE EXCLUDED. Provides that it is not a defense to prosecution under this subchapter that the person did not know or was not aware of a rule, order, or statute.

Sec. 7.205. PROOF OF KNOWLEDGE. Provides that, in determining whether a defendant who is an individual knew that the violation placed another person in imminent danger of death or serious bodily injury under certain sections, the defendant is responsible only for the defendant's actual awareness or actual belief possessed. Prohibits knowledge possessed by a person other than the defendant from being attributed to the defendant. Authorizes circumstantial evidence to be used, including evidence that the defendant took affirmative steps to be shielded from relevant information, to prove a defendant's actual knowledge.

SUBCHAPTER F. DEFENSES

Sec. 7.251. ACT OF GOD. Provides that, if a person can establish that an event which would otherwise be a violation of a statute within TNRCC's jurisdiction or a rule adopted or an order or a permit issued under such a statute was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit.

Sec. 7.252. DEFENSES TO ENDANGERMENT OFFENSES. Sets forth affirmative defenses to endangerment offenses.

Sec. 7.253. DEFENSES AVAILABLE TO PERSON RESPONSIBLE FOR SOLID WASTE VIOLATIONS. Sets forth defenses available to a person responsible for solid waste violations.

Sec. 7.254. DEFENSE TO USED OIL OFFENSES. Sets forth a defense to used oil offenses.

Sec. 7.255. DEFENSE TO HAZARDOUS WASTE ENDANGERMENT. Sets forth a defense to available to a person responsible for hazardous waste endangerment violations.

Sec. 7.256. DEFENSE EXCLUDED. Provides that, unless otherwise provided by this chapter, the fact that a person holds a permit issued by TNRCC does not relieve that person from liability for the violation of a statute within TNRCC's jurisdiction or a rule adopted or an order or a permit issued under such a statute.

SUBCHAPTER G. REVOCATION AND SUSPENSION OF PERMITS, LICENSES, CERTIFICATES, AND REGISTRATION

Sec. 7.301. DEFINITION. Defines "license," "certificate," "registration," "exemption,"

"permit holder," and "holder of a permit."

Sec. 7.302. **GROUND FOR REVOCATION OR SUSPENSION OF PERMIT.** Sets forth grounds for revocation or suspension of a permit.

Sec. 7.303. **GROUND FOR REVOCATION OR SUSPENSION OF LICENSE, CERTIFICATE, OR REGISTRATION.** Sets forth grounds for revocation or suspension of licenses, certificates, or registrations.

Sec. 7.305. **PROCEDURES.** Requires TNRCC, by rule, to establish procedures for public notice and any public hearing under this subchapter. Requires the procedures to provide for notice to a county that issued a license, certificate, or registration that is the subject of the hearing.

Sec. 7.306. **HEARINGS.** Requires a hearing under this subchapter to be conducted in accordance with the hearing rules adopted by TNRCC and the applicable provisions of Chapter 2001, Government Code.

Sec. 7.307. **CONSENT.** Authorizes the executive director, if the holder of a permit, license, certificate, or registration requests or consents to the revocation or suspension of the permit, license, or certification or registration, to revoke or suspend the permit, license, exemption, certification or registration without a hearing.

Sec. 7.308. **OTHER RELIEF.** Prohibits a proceeding brought by TNRCC under this subchapter from affecting TNRCC's authority to bring suit for injunctive relief or penalty or both under Section 7.014.

Sec. 7.309. **PROBATION REQUIREMENTS.** Authorizes TNRCC, if a license, certificate, or registration suspension is probated, to require the holder of the license, certificate, or registration to meet certain requirements.

Sec. 7.310. **REVOCATION OR SUSPENSION BY COUNTY.** Authorizes an issuing county, with respect to a license, certificate, or registration issued by a county under a statute or rule within TNRCC's jurisdiction, to suspend or revoke the license, certificate, or registration on the grounds provided under Section 7.303.

SUBCHAPTER H. RECEIVERSHIP; SUPERVISION OF CERTAIN UTILITIES

Sec. 7.351. **RECEIVERSHIP.** Sets forth regulations regarding the appointment of a receiver for a water or sewer utility.

Sec. 7.352. **PAYMENT OF COSTS OF RECEIVERSHIP.** Sets forth regulations regarding the payment of costs of a receivership.

Sec. 7.353. **SUPERVISION OF CERTAIN UTILITIES.** Sets forth regulations regarding the supervision of certain utilities.

Sec. 7.354. **OPERATION OF UTILITY THAT DISCONTINUES OPERATION OR IS REFERRED FOR APPOINTMENT OF RECEIVER.** Sets forth regulations regarding the operation of a utility that discontinues operation or is referred for appointment of a receiver.

SUBCHAPTER I. SUIT BY OTHERS

Sec. 7.401. **CIVIL SUITS.** Sets forth regulations regarding civil suits by persons other than TNRCC.

Sec. 7.402. **RESOLUTION REQUIRED.** Prohibits a local government from exercising the enforcement power authorized by this subchapter unless its governing body adopts a resolution authorizing the exercise of the power in the case of a violation of Chapter 26 or

this code or Chapter 382, Health and Safety Code.

Sec. 7.403. COMMISSION NECESSARY PARTY. Provides that, in a suit brought by a local government under this subchapter, TNRCC is a necessary and indispensable party.

Sec. 7.404. COSTS AND FEES. Requires a penalty collected in a suit under this subchapter for a violation of Chapter 28 of this code or Chapter 401, Health and Safety Code, to be paid to the state. Requires the court, if the suit is brought by a local government or in the case of a violation of Chapter 401, Health and Safety Code, a person affected as defined in that chapter, to include in any final judgment in favor of the local government or affected person an award to cover reasonable costs and attorney's fees.

Sec. 7.405. COMPLAINTS. Authorizes a local government or affected person to file with TNRCC a written complaint and request an investigation of an alleged violation by a person who holds a permit subject to TNRCC's jurisdiction in the case of a violation of Chapter 401, Health and Safety Code.

Sec. 7.406. COMMISSION REPLY. Requires TNRCC to reply to the local government or person affected who filed a complaint under Section 7.405 in writing within a certain time after the complaint is received and to provide a copy of any investigation report relevant to the complaint together with a determination of whether the alleged violation was committed.

Sec. 7.407. PROSECUTION. Authorizes a local government or, in the case of a violation of Chapter 401, Health and Safety Code, a person affected as defined in that chapter to bring suit in the county in which the alleged violation occurred or is about to occur, if TNRCC does not have a suit filed before the 121st day after the date on which the written complaint is filed under Section 7.405.

Sec. 7.408. OTHER REQUIREMENTS. Authorizes the regulatory authority of any local government to require compliance with any reasonable inspection requirements or ordinances or regulations designed to protect the public water supply and pay any reasonable fees imposed by the local government relating to work performed within its jurisdiction, in the case of a violation of Chapter 34.

SECTION 3. Amends Section 11.081, Water Code, to delete existing text regarding violations of this section.

SECTION 4. Amends Section 11.083, Water Code, to make conforming changes.

SECTION 5. Amends Section 11.084, Water Code, to make conforming changes.

SECTION 6. Amends Section 11.085, Water Code, to make conforming changes.

SECTION 7. Amends Section 11.087(c), Water Code, to require orders made by TNRCC to effectuate its rules under this section to be mailed by certified mail to certain persons. Makes conforming changes.

SECTION 8. Amends Section 11.088, Water Code, to make conforming changes.

SECTION 9. Amends Section 11.089, Water Code, to make conforming changes.

SECTION 10. Amends Section 11.090, Water Code, to make conforming changes.

SECTION 11. Amends Section 11.091, Water Code, to make conforming changes.

SECTION 12. Amends Section 11.094, Water Code, to make conforming changes.

SECTION 13. Amends Section 11.096, Water Code, to make conforming changes.

- SECTION 14. Amends Section 11.203, Water Code, to make conforming changes.
- SECTION 15. Amends Section 11.205, Water Code, to make conforming changes.
- SECTION 16. Amends Section 12.052(c)-(f), Water Code, to prohibit the owner of a dam that is required to take certain actions in order to comply with the rules and orders promulgated under Subsection (a) of this section from wilfully failing or refusing to comply within the 30-day period following the date of TNRCC's order to do so and prohibits the owner from wilfully failing to comply with any rule or other order issued by TNRCC under this section within the 30-day period following the effective date of the order. Authorizes TNRCC to issue an emergency works safety order under Section 5.509. Deletes existing text regarding assessment of a penalty and the issuance of an emergency order regarding an unsafe dam. Makes conforming changes.
- SECTION 17. Amends Section 13.041(d), Water Code, to make conforming changes.
- SECTION 18. Amends Section 13.253, Water Code, to make conforming changes.
- SECTION 19. Amends Section 13.254, Water Code, as follows:
- Sec. 13.254. New heading: AMENDMENT OF CERTIFICATE. Deletes references to revocation of a certificate of public convenience and necessity.
- SECTION 20. Amends Section 16.236, Water Code, as follows:
- Sec. 16.236. New heading: CONSTRUCTION OF LEVEE WITHOUT APPROVAL OF PLANS; LEVEE SAFETY. Requires TNRCC to make and enforce rules and orders and to perform any other act necessary to provide for the safe construction, maintenance, repair, or removal of a levee located in this state. Sets forth regarding a violation of the rules and orders issued under Subsection (b). Authorizes TNRCC to issue an emergency works safety order under Section 5.509. Provides that nothing in this section or in rules adopted or orders issued by TNRCC under this section relieves an owner or operator of a levee of a legal duty, obligation, or liability incident to ownership or operation. Deletes existing text regarding violations of this section.
- SECTION 21. Amends Section 26.019, Water Code, to make conforming changes.
- SECTION 22. Amends Section 26.0191, Water Code, as follows:
- Sec. 26.0191. New heading: TEMPORARY OR EMERGENCY ORDER RELATING TO DISCHARGE OF WASTE OR POLLUTANTS. Makes conforming changes.
- SECTION 23. Amends Section 26.021(a), Water Code, to make conforming changes.
- SECTION 24. Amends Section 26.022(a), Water Code, to make conforming changes.
- SECTION 25. Amends Section 26.029, Water Code, as follows:
- Sec. 26.029. New heading: CONDITIONS OF PERMIT; AMENDMENT. Deletes existing text regarding revocation or suspension of a permit.
- SECTION 26. Amends Section 26.029, Water Code, as follows:
- Sec. 26.029. New heading: CONDITIONS OF PERMIT; AMENDMENT. Makes conforming changes.
- SECTION 27. Amends Sections 26.0301(c)-(e), Water Code, to delete existing text regarding the suspension or revocations of a certificate of competency for a sewage treatment facility operation.
- SECTION 28. Amends Section 26.354, Water Code, to make conforming changes.

SECTION 29. Amends Section 26.459, Water Code, as follows:

Sec. 26.459. New heading: REINSTATEMENT OF LICENSE OR CERTIFICATE OF REGISTRATION. Makes conforming changes.

SECTION 30. Amends Section 27.101, Water Code, to require a person who violates any provision of this chapter under the jurisdiction of the Railroad Commission of Texas (commission), or provision of a permit issued by the commission under this chapter, to be subject to a civil penalty in any sum not exceeding \$5,000 for each day of noncompliance and for each act of noncompliance. Provides that a violation under the jurisdiction of TNRCC is enforceable as provided by Chapter 7. Deletes a provision authorizing the executive director of the commission to bring an action in certain courts.

SECTION 31. Amends Section 27.102, Water Code, to make conforming changes.

SECTION 32. Amends Section 27.103(a), Water Code, to make a conforming change.

SECTION 33. Amends Section 27.105(a), Water Code, to make conforming changes.

SECTION 34. Amends Section 361.011(d), Health and Safety Code, to make conforming changes.

SECTION 35. Amends Section 361.035, Health and Safety Code, by adding Subsection (c), to require a penalty collected under Subchapter C or D, Chapter 7, Water Code, for the late filing of a report required by this section to be deposited to the credit of the hazardous and solid waste remediation fee fund.

SECTION 36. Amends Section 361.089, Health and Safety Code, as follows:

Sec. 361.089. New heading: PERMIT DENIAL OR AMENDMENT; NOTICE AND HEARING. Makes conforming changes.

SECTION 37. Amends Section 361.091, Health and Safety Code, by amending the heading and Subsections (i)-(m), as follows:

Sec. 361.091. New heading: ENCLOSED CONTAINERS OR VEHICLES; PERMITS; INSPECTIONS. Makes conforming changes.

SECTION 38. Amends Section 361.140, Health and Safety Code, to make conforming changes.

SECTION 39. Amends Section 361.160, Health and Safety Code, as follows:

Sec. 361.160. New heading: LICENSE AMENDMENT. Makes conforming changes.

SECTION 40. Amends Section 361.271(a), Health and Safety Code, to provide that certain persons are responsible for solid waste unless otherwise defined in applicable statutes and rules. Makes a nonsubstantive change.

SECTION 41. Amends Section 361.274, Health and Safety Code, to make a conforming change.

SECTION 42. Amends Section 361.301, Health and Safety Code, to make conforming changes.

SECTION 43. Amends Section 361.453, Health and Safety Code, to make conforming changes.

- SECTION 44. Amends Section 366.016, Health and Safety Code, to make conforming changes.
- SECTION 45. Amends Section 366.017(c), Health and Safety Code, to make conforming changes.
- SECTION 46. Amends Section 371.041, Health and Safety Code, to make conforming changes.
- SECTION 47. Amends Section 382.026, Health and Safety Code, to make conforming changes.
- SECTION 48. Amends Section 382.030(b), Health and Safety Code, to make a conforming change.
- SECTION 49. Amends Section 382.031(e), Health and Safety Code, to delete a reference to Sections 382.026 and 382.063, Health and Safety Code.
- SECTION 50. Amends Section 382.063, Health and Safety Code, to make conforming changes.
- SECTION 51. Amends Section 382.085, Health and Safety Code, to make conforming change
- SECTION 52. Amends Section 401.054(a), Health and Safety Code, to require the department, rather than TNRCC, to provide notice and opportunity for a hearing on a matter under its jurisdiction as provided by its formal hearing procedures and Chapter 2001, Government Code, on written request of a person affected by certain department procedures. Makes conforming changes.
- SECTION 53. Amends Section 401.270, Health and Safety Code, to make conforming changes.
- SECTION 54. Amends Section 401.341, Health and Safety Code, to make a conforming change.
- SECTION 55. Amends Section 401.342, Health and Safety Code, to make conforming changes.
- SECTION 56. Amends Section 401.343, Health and Safety Code, to make conforming changes.
- SECTION 57. Amends Section 401.381(a), Health and Safety Code, to make a conforming change.
- SECTION 58. Amends Sections 401.384(a) and (c), Health and Safety Code, to make conforming changes.
- SECTION 59. Amends Section 401.385, Health and Safety Code, to make conforming changes.
- SECTION 60. Amends Section 401.386(a), Health and Safety Code, to make a conforming change.
- SECTION 61. Amends Section 401.387, Health and Safety Code, to make conforming changes.
- SECTION 62. Amends Section 401.388, Health and Safety Code, to make conforming changes.

SECTION 63. Amends Section 401.389, Health and Safety Code, to make conforming changes.

SECTION 64. Amends Section 401.390, Health and Safety Code, to make conforming changes.

SECTION 65. Amends Chapter 401J, Health and Safety Code, by adding Section 401.393, as follows:

Sec. 401.393. COMMISSION ENFORCEMENT. Authorizes TNRCC to enforce the provisions of this chapter under TNRCC's jurisdiction as provided by Chapter 7, Water Code.

SECTION 66. (a) Repeals the following provisions of the Water Code: Section 11.082, 11.087(d), 11.095, 11.139, 11.148, and 12.141; Chapter 13K; Sections 13.505, 16.352-16.354, 16.356, 18.121-18.123, 18.171, 18.172, 26.016, 26.122-26.126, 26.132-26.134, 26.136, 26.174, 26.211-26.214, 26.216, 26.218-26.227, 26.268, 26.353, 26.460, 27.1015, 28.013; Chapter 28E, Sections 31.019, 32.010-32.012, 32.015, 33.008-33.010, 33.013, and 34.010-34.014.

(b) Repeals the following provisions of the Health and Safety Code: Sections 341.047-341.050, 361.011(e), 361.164, and 361.198; Chapters 361G and 361H; Sections 361.280, 361.302, 361.303, 361.451(c), 361.455, 361.456, 361.483-361.4832, 361.489, 361.491, 361.540, 361.560, 361.562-361.567, 366.015, and 366.077; Chapter 366F; Section 370.009, 371.042-371.045, 372.004, 372.005, 382.004, 382.005, 382.059, 382.081-382.084, 382.086-382.096, 382.114, 401.391, and 401.392.

SECTION 67. Effective date: September 1, 1997.

SECTION 68. Makes application of this Act prospective.

SECTION 69. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 5.501, Water Code, to authorize TNRCC to prescribe rules and adopt fees necessary to carry out and administer this subchapter. Makes nonsubstantive changes.

Amends Section 5.502, Water Code, to make nonsubstantive changes.

Amends Section 5.503, Water Code, to require notice of the issuance of an emergency order to be provided in accordance with TNRCC rules.

Amends Section 5.504, Water Code, to make nonsubstantive changes.

Amends Section 5.505, Water Code, to authorize renewal of an emergency order. Makes nonsubstantive changes.

Amends Section 5.506, Water Code, to set forth additional regulations regarding an emergency permit to divert and use water and amendment of a water right.

Adds Section 5.507, Water Code, to set forth regulations regarding an emergency order for temporary transfer of use of a water right.

Amends Sections 5.508-5.516, Water Code, to make nonsubstantive changes.

Adds Section 5.517, Water Code, to set forth regulations regarding an emergency order concerning on-site sewage disposal systems.

Amends Sections 5.518-5.521, Water Code, to make nonsubstantive changes.

SECTION 2.

Adds Section 7.001, Water Code, to define "commission" and "permit."

Amends Sections 7.002-7.005, Water Code, to make nonsubstantive changes.

Amends Sections 7.031-7.033, Water Code, to make nonsubstantive changes.

Amends Sections 7.051-7.072, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.074, Water Code, regarding the hearing powers of TNRCC.

Amends Sections 7.075-7.071, Water Code, to make conforming and nonsubstantive changes.

Amends Sections 7.101-7.103, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.104, Water Code, regarding penalties for failure to pay certain fees.

Amends Section 7.105, Water Code, to add regulations regarding a civil suit for injunctive relief or to recover a civil penalty.

Amends Sections 7.106-7.110, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.111, Water Code, regarding recovery of security for a violation of Chapter 401, Health and Safety Code.

Amends Section 7.141, Water Code, to delete the definition of "person."

Adds Section 7.142, Water Code, regarding violations relating to unlawful use of state water.

Adds Section 7.144, Water Code, regarding violations relating to levee construction or repair.

Adds Section 7.145, Water Code, regarding violations of minimum state standards or model political subdivision rules.

Adds Section 7.146, Water Code, regarding violations relating to weather modification.

Amends Section 7.147-7.156, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.157, Water Code, regarding violations relating to a discharge or spill.

Adds Section 7.158, Water Code, regarding violations relating to a underground storage tank.

Amends Section 7.159, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.160, Water Code, regarding a violation relating to plugging wells.

Amends Section 7.161, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.162, Water Code, regarding a violation relating to certain subsurface excavations.

Amends Section 7.163, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.164, Water Code, regarding a violation relating to solid waste in enclosed containers or vehicles.

Amends Section 7.165, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.166, Water Code, regarding violations relating to hazardous waste and endangerment.

Amends Sections 7.167-7.177, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.178, Water Code, regarding emergency repairs that are not an offense.

Amends Sections 7.179-7.187, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.188, Water Code, regarding knowing and intentional unauthorized disposal of lead-acid batteries.

Amends Sections 7.189-7.204, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.205, Water Code, regarding proof of knowledge.

Amends Sections 7.251-7.253, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.254, Water Code, regarding a defense to used oil offenses.

Adds Section 7.255, Water Code, regarding a defense to hazardous waste endangerment.

Adds Section 7.256, Water Code, regarding exclusion of a defense.

Adds 7.301, Water Code, to define "license," "certificate," "registration," "exemption," "permit holder," and "holder of a permit."

Amends Sections 7.302-7.303, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.304, Water Code, regarding suspension of registration or reimbursement payment issued under a waste tire recycling program.

Amends Sections 7.305-7.309, Water Code, to make conforming and nonsubstantive changes.

Adds Section 7.310, Water Code, regarding revocation or suspension of a license, certificate, or registration by a county.

Amends Sections 7.351-7.354, Water Code, to make conforming and nonsubstantive changes.

Amends Sections 7.401-7.408, Water Code, to make conforming and nonsubstantive changes.

SECTIONS 14-18.

Makes conforming changes.

SECTION 20.

Amends Section 16.236, Water Code, to add regulations regarding levee safety. Makes conforming changes.

SECTIONS 21-24.

Makes conforming changes.

SECTION 26.

Amends Section 26.029, Water Code, to make conforming changes.

SECTIONS 28-35.

Makes conforming changes.

SECTIONS 37-51.

Makes conforming and nonsubstantive changes.

SECTION 52.

Amends Section 401.054(a), Health and Safety Code, to delete a reference to TNRCC and substitute "department" for "agency."

SECTIONS 53-65.

Makes conforming changes.

SECTION 66.

Sets forth repealers.

SECTION 67.

Effective date: September 1, 1997.

SECTION 68.

Makes application of this Act prospective.