

BILL ANALYSIS

Senate Research Center

C.S.S.B. 687
By: Brown, J. E. "Buster"
Natural Resources
2/28/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, intentional unauthorized discharges from a point source are treated the same as unintentional unauthorized discharges. C.S.S.B. 687 enhances the penalties for intentional unauthorized discharges and creates a lesser offense for an unauthorized discharge.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.145, Water Code, as follows:

Sec. 7.145. New heading: INTENTIONAL OR KNOWING UNAUTHORIZED DISCHARGE. Provides that a person commits an offense if the person, acting intentionally or knowingly with respect to the person's conduct, 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; or from a point source in violation of Chapter 26 or of a rule, permit, or order of the appropriate regulatory agency. Provides that an offense under this section is punishable for an individual under Section 7.187(1)(C) or Section 7.187(2)(F), rather than (D), or both.

SECTION 2. Repealer: Section 7.146 (Discharge From a Point Source), Water Code.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 687, Section 7.145, Water Code, as follows:

- Adds new heading "INTENTIONAL OR KNOWING UNAUTHORIZED DISCHARGE."
- Adds proposed language pertaining to discharge of a waste or pollutant "into or adjacent to water in the state that causes or threatens to cause water pollution unless discharged in strict compliance with all required permits or with an order by the appropriate regulatory agency."

SECTION 2. Amends As Filed S.B. 687, Section 7.146, Water Code, as follows:

- Repeals Section 7.146 (Discharge From Point Source), Water Code, rather than amending it as proposed in the As Filed version.
- Redesignates previously proposed language in SECTION 2 to SECTION 1.

SECTION 3. Deletes previously proposed SECTION regarding unauthorized discharge from a point source.

SECTION 4. Redesignates effective date to SECTION 3.