

## **BILL ANALYSIS**

Senate Research Center

S.B. 687  
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Natural Resources  
2/16/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, intentional unauthorized discharges from a point source are treated the same as unintentional unauthorized discharges. As proposed, S.B. 687 enhances the penalties for intentional unauthorized discharges and creates a lesser offense for an unauthorized discharge that results from a person's reckless or negligent conduct.

### **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(b), Water Code, to provide 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. Amends Section 7.146, Water Code, a follows:

Sec. 7.146. New heading: INTENTIONAL OR KNOWING UNAUTHORIZED DISCHARGE FROM POINT SOURCE. Makes a conforming change.

SECTION 3. Amends Chapter 7, Water Code, by adding Section 7. 1471, as follows:

Sec. 7.1471. UNAUTHORIZED DISCHARGE FROM POINT SOURCE. Provides that a person commits an offense if the person discharges or allows the discharge of a waste or pollutant from a point source in violation of Chapter 26 or of a rule, permit, or order of the appropriate regulatory agency. Authorizes an offense under this section to be prosecuted without alleging or proving any culpable mental state. Provides that an offense under this section is punishable for an individual under Section 7.187(1)(B) or Section 7.187(2)(D) or both. Provides that an offense under this section is punishable for a person other than an individual under Section 7.187 (1) (C).

SECTION 4. Effective date: upon passage or September 1, 2001.