

By: Bonnen

H.B. No. 2875

A BILL TO BE ENTITLED

AN ACT

relating to the definition of "disposes of" for purposes of criminal penalties imposed under the Water Code.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.141, Water Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Dispose of" means to discharge, deposit, inject, dump, spill, leak, or place solid waste, hazardous waste, medical waste, used oil, low-level radioactive waste, or a lead-acid battery, whether containerized or uncontainerized, into or on land or water so that the solid waste, hazardous waste, medical waste, used oil, low-level radioactive waste, lead-acid battery, or any constituent thereof may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any other manner. The term does not include passive migration, continuous release, seepage, or other movement that occurs:

(A) after the substance is initially disposed of;

and

(B) without human initiation or assistance.

SECTION 2. (a) This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate

1 effect, this Act takes effect September 1, 2003.

2 (b) The change in law made by this Act applies only to an  
3 offense committed on or after the effective date of this Act. An  
4 offense committed before the effective date of this Act is governed  
5 by the law in effect when the offense was committed, and the former  
6 law is continued in effect for that purpose. For purposes of this  
7 section, an offense was committed before the effective date of this  
8 Act if any element of the offense occurred before that date.