

1-1 By: Chisum (Senate Sponsor - Seliger) H.B. No. 1047
1-2 (In the Senate - Received from the House May 12, 2005;
1-3 May 13, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 23, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the offense of failing to certify compliance of an
1-9 underground storage tank before accepting delivery of the regulated
1-10 substance to be stored in the tank.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 26.3467(b) and (c), Water Code, are
1-13 amended to read as follows:

1-14 (b) An owner or operator of an underground storage tank [A
1-15 person] who knowingly violates Subsection (a) commits an offense
1-16 that is punishable as provided by Section 7.156 for an offense under
1-17 that section.

1-18 (c) A person who sells a regulated substance to a common
1-19 carrier who delivers the regulated substance to the owner or
1-20 operator of an underground storage tank into which the regulated
1-21 substance is deposited, and who does not deliver the regulated
1-22 substance into the underground storage tank, and the common carrier
1-23 who delivers the regulated substance to the owner or operator of an
1-24 underground storage tank into which the regulated substance is
1-25 deposited, are [is] not liable under this chapter with respect to
1-26 that tank.

1-27 SECTION 2. (a) The change in law made by this Act applies
1-28 only to an offense committed on or after the effective date of this
1-29 Act. For purposes of this section, an offense is committed before
1-30 the effective date of this Act if any element of the offense occurs
1-31 before that date.

1-32 (b) An offense committed before the effective date of this
1-33 Act is covered by the law in effect when the offense was committed,
1-34 and the former law is continued in effect for that purpose.

1-35 SECTION 3. This Act takes effect September 1, 2005.

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