

By: Chavez

H.B. No. 1563

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of a program by the Texas Commission
3 on Environmental Quality for the inspection of land vehicles
4 transporting hazardous waste from Mexico into this state.

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

6 SECTION 1. Subchapter B, Chapter 361, Health and Safety
7 Code, is amended by adding Section 361.0234 to read as follows:

8 Sec. 361.0234. INSPECTION OF LAND VEHICLES TRANSPORTING
9 HAZARDOUS WASTE FROM MEXICO. (a) The commission shall establish a
10 program for inspecting land vehicles transporting hazardous waste
11 from the United Mexican States into this state for treatment,
12 storage, or disposal in this state for the purposes of:

13 (1) monitoring the transportation of hazardous waste
14 into this state from the United Mexican States; and

15 (2) enforcing the laws of this state governing
16 transportation, treatment, storage, and disposal of the waste.

17 (b) Inspections of motor vehicles under this section must be
18 conducted at the inspection stations established by the Texas
19 Department of Transportation under Section 201.613, Transportation
20 Code.

21 (c) The commission shall establish and maintain inspection
22 stations at appropriate locations at or near railroad crossings
23 from the United Mexican States into this state for the purpose of
24 inspecting trains under this section.

1 (d) The commission may enter into agreements with federal,
2 state, and municipal agencies to accomplish the purposes of this
3 section.

4 (e) The commission may employ inspectors as the commission
5 considers necessary to implement this section and may commission
6 one or more of those inspectors as peace officers. A person
7 employed as a peace officer under this subsection has the powers,
8 privileges, and immunities of a peace officer while performing the
9 person's duties under this section.

10 SECTION 2. Article 2.12, Code of Criminal Procedure, as
11 amended by Chapters 235, 474, and 930, Acts of the 78th Legislature,
12 Regular Session, 2003, is reenacted and amended to read as follows:

13 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
14 officers:

15 (1) sheriffs, their deputies, and those reserve
16 deputies who hold a permanent peace officer license issued under
17 Chapter 1701, Occupations Code;

18 (2) constables, deputy constables, and those reserve
19 deputy constables who hold a permanent peace officer license issued
20 under Chapter 1701, Occupations Code;

21 (3) marshals or police officers of an incorporated
22 city, town, or village, and those reserve municipal police officers
23 who hold a permanent peace officer license issued under Chapter
24 1701, Occupations Code;

25 (4) rangers and officers commissioned by the Public
26 Safety Commission and the Director of the Department of Public
27 Safety;

1 (5) investigators of the district attorneys', criminal
2 district attorneys', and county attorneys' offices;

3 (6) law enforcement agents of the Texas Alcoholic
4 Beverage Commission;

5 (7) each member of an arson investigating unit
6 commissioned by a city, a county, or the state;

7 (8) officers commissioned under Section 37.081,
8 Education Code, or Subchapter E, Chapter 51, Education Code;

9 (9) officers commissioned by the General Services
10 Commission;

11 (10) law enforcement officers commissioned by the
12 Parks and Wildlife Commission;

13 (11) airport police officers commissioned by a city
14 with a population of more than 1.18 million that operates an airport
15 that serves commercial air carriers;

16 (12) airport security personnel commissioned as peace
17 officers by the governing body of any political subdivision of this
18 state, other than a city described by Subdivision (11), that
19 operates an airport that serves commercial air carriers;

20 (13) municipal park and recreational patrolmen and
21 security officers;

22 (14) security officers and investigators commissioned
23 as peace officers by the comptroller;

24 (15) officers commissioned by a water control and
25 improvement district under Section 49.216, Water Code;

26 (16) officers commissioned by a board of trustees
27 under Chapter 54, Transportation Code;

1 (17) investigators commissioned by the Texas State
2 Board of Medical Examiners;

3 (18) officers commissioned by the board of managers of
4 the Dallas County Hospital District, the Tarrant County Hospital
5 District, or the Bexar County Hospital District under Section
6 281.057, Health and Safety Code;

7 (19) county park rangers commissioned under
8 Subchapter E, Chapter 351, Local Government Code;

9 (20) investigators employed by the Texas Racing
10 Commission;

11 (21) officers commissioned under Chapter 554,
12 Occupations Code;

13 (22) officers commissioned by the governing body of a
14 metropolitan rapid transit authority under Section 451.108,
15 Transportation Code, or by a regional transportation authority
16 under Section 452.110, Transportation Code;

17 (23) investigators commissioned by the attorney
18 general under Section 402.009, Government Code;

19 (24) security officers and investigators commissioned
20 as peace officers under Chapter 466, Government Code;

21 (25) an officer employed by the Texas Department of
22 Health under Section 431.2471, Health and Safety Code;

23 (26) officers appointed by an appellate court under
24 Subchapter F, Chapter 53, Government Code;

25 (27) officers commissioned by the state fire marshal
26 under Chapter 417, Government Code;

27 (28) an investigator commissioned by the commissioner

1 of insurance under Article 1.10D, Insurance Code;

2 (29) apprehension specialists commissioned by the
3 Texas Youth Commission as officers under Section 61.0931, Human
4 Resources Code;

5 (30) officers appointed by the executive director of
6 the Texas Department of Criminal Justice under Section 493.019,
7 Government Code;

8 (31) investigators commissioned by the Commission on
9 Law Enforcement Officer Standards and Education under Section
10 1701.160, Occupations Code;

11 (32) commission investigators commissioned by the
12 Texas Commission on Private Security under Section 1702.061(f),
13 Occupations Code;

14 (33) the fire marshal~~[7]~~ and any officers, inspectors,
15 or investigators commissioned by an emergency services district ~~[to~~
16 ~~assist that fire marshal,~~] under ~~[Subchapter F,~~] Chapter 775,
17 Health and Safety Code; ~~and]~~

18 (34) officers commissioned by the State Board of
19 Dental Examiners under Section 254.013, Occupations Code, subject
20 to the limitations imposed by that section; and

21 (35) inspectors commissioned by the Texas Commission
22 on Environmental Quality under Section 361.0234, Health and Safety
23 Code.

24 SECTION 3. This Act takes effect September 1, 2005.