

BILL ANALYSIS

Senate Research Center
79R14302 SLO-F

H.B. 580
By: Smith, Wayne (Gallegos)
Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Counties have incurred uncompensated damages related to incidents involving hazardous material. H.B. 580 provides for a fee a response to a release of hazardous materials, and authorizes a county to provide hazardous materials services when hazardous materials have been leaked, spilled, released, or abandoned and charge the concerned party a reasonable fee.

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 Subtitle B, Title 11, Local Government Code, by adding Chapter 353, as follows:

CHAPTER 353. COUNTY HAZARDOUS MATERIALS SERVICES

Sec. 353.001. DEFINITIONS. Defines "concerned party" and "hazardous material."

Sec. 353.002. APPLICABILITY. Provides that this chapter applies to an incident involving hazardous materials services, including a response to an incident involving hazardous material that has been leaked, spilled, released, or abandoned on any property.

Sec. 353.003. HAZARDOUS MATERIALS SERVICES. (a) Authorizes a county to provide hazardous materials services under certain circumstances.

(b) Authorizes a county to provide limited control and containment measures that are necessary to protect human health and the environment without first complying with the requirements of Subsection (a) if the county is the first entity to arrive at a site where an incident involving hazardous material has occurred that is prepared to take action in response to the incident.

(c) Sets forth the required actions of the county if the hazardous material is natural gas released from an underground facility as defined by Section 251.002 (Definitions), Utilities Code.

Sec. 353.004. FEE FOR PROVIDING HAZARDOUS MATERIALS SERVICE; EXCEPTION. (a) Authorizes a county, or a person authorized by contract on the county's behalf, to charge a reasonable fee, including a fee to offset the cost of providing control and containment measures, to a concerned party for responding to a hazardous materials service call under Section 353.003(b).

(b) Authorizes a county, or a person authorized by contract on the county's behalf, to charge a fee for providing hazardous materials services under Section 353.003(a) only if the county has complied with the requirements of that subsection. Provides that a concerned party is not liable for a fee associated with the county's hazardous materials services under Section 353.003(a) or a fee to offset the cost of providing control and containment measures under Section 353.003(a) or a fee to offset the cost of providing control and containment

measures under Section 353.003(b) if the county provides hazardous materials services under Section 353.003(a) and the county does not provide the required notice.

(c) Sets forth the circumstances under which an individual who is a concerned party is not required to pay a fee under this section.

SECTION 2. Effective date: September 1, 2005.