

BILL ANALYSIS

C.S.H.B. 580
By: Smith, Wayne
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Counties have incurred uncompensated damages related to incidents involving hazardous material. This bill would provide for a fee a response to a release of hazardous materials. This bill would define hazardous material. The bill would authorize 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. C.S.H.B. 580 exempts governmental entities as well as employees and private individuals who receive no compensation for the transport of the materials.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B 580 amends the Local Government Code to allow a county to provide hazardous materials services, including a response to an incident involving hazardous material that has been leaked, spilled, released, or abandoned if the concerned party fails to respond after the county provides notice of the need for hazardous materials services. The bill allows a county to provide limited control and containment measures to protect human health and environment without first providing notice to the concerned parties. The bill prohibits a county from operating any equipment at an underground natural gas facility without the express permission of the operator of that facility and requires the county to comply with provisions of the Utilities Code relating to excavation damage.

The bill allows a county, or a person on the county's behalf, to charge a reasonable fee to a concerned party for responding to a hazardous materials service call. The bill sets forth certain conditions under which a responsible person is not required to pay the fee.

The bill exempts hazardous materials owned or possessed by a governmental entity from these provisions.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds provisions relating to notice of the need for hazardous materials services provided by the county to a concerned party. The substitute allows a county to provide limited control and containment measures to protect human health and environment without first providing notice to the concerned parties. The substitute prohibits a county from operating any equipment at an underground natural gas facility without the express permission of the operator of that facility and requires the county to comply with provisions of the Utilities Code relating to excavation damage.

The substitute changes references to "responsible" party to read "concerned" party.