

BILL ANALYSIS

C.S.H.B. 3071
By: Strama
Civil Practices
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a person may recover reasonable attorney's fees from an individual or corporation, in addition to the amount of a valid claim and cost, if the claim is for: rendered services; performed labor; furnished material; freight or express overcharges; lost or damaged freight or express; killed or injured stock; a sworn account; or an oral or written contract.

CSHB 3071 amends the current statute to include recovery of reasonable attorney's fees for litigation arising from the abandonment of hazardous wastes on a person's property by another. This bill would allow a person, company, or state agency to recover attorney's fees from abandonment of hazardous waste by a person or corporation.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 38.001 of the Civil Practice and Remedies Code by adding a new claim, (9) "management of hazardous wastes intentionally abandoned on the person's property by another."

SECTION 2. States this Act applies only to actions pending or commenced on or after the effective date of this Act.

SECTION 3. States this Act is effective immediately if it receives a vote of two-thirds of all the members elected to each house. If this Act does not receive the vote necessary for immediate effect, then the Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original HB 3071 was filed as a non-legislative council draft. CSHB 3071 is a legislative council draft of the bill with minor word changes. In addition, the caption was amended by removing the word "intentionally."

SECTION 2. The substitute states this Act applies to a claim for management of hazardous waste abandoned on a person's property if the abandonment occurs on or after the effective date of this Act or if the abandonment occurred before the effective date of this Act and the waste remains abandoned on the property on the effective date of this Act. The substitute also deletes any reference to pending actions which was in the original bill.