

BILL ANALYSIS

H.B. 3547
By: Kuempel
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Counties are authorized to provide hazardous materials services when hazardous materials have been leaked, spilled, released or abandoned and charge the concerned party a reasonable fee.

H.B. 3547 would authorize a private entity to provide hazardous material services if a county chooses not to provide these services. This bill would provide for a fee to be charged by the private entity for the cost of providing hazardous materials services. The bill does not apply to hazardous materials owned or possessed by a governmental entity.

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

H.B. 3547 amends the Local Government Code to provide that if a county does not provide hazardous materials services in response to an incident, a private entity is authorized to provide these services. This includes providing limited control and containment measures necessary to protect human health and the environment without notifying the concerned party if the private entity is the first responder on the scene with those capabilities. The bill requires the private entity to comply with existing provisions relating to county hazardous materials services.

The bill allows a private entity, on the county's behalf, to charge a reasonable fee to a concerned party for responding to a hazardous materials service call. Existing provisions relating to fees for providing hazardous materials service apply to the recovery of this fee.

EFFECTIVE DATE

September 1, 2007.