

By: Smith of Harris

H.B. No. 2875

A BILL TO BE ENTITLED

AN ACT

relating to the liability for costs for the management of spilled or discharged hazardous substances.

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

SECTION 1. Section 26.266, Water Code, is amended to read as follows:

Section 26.266. REMOVAL OF SPILL OR DISCHARGE. (a) Any owner, operator, demise charterer, or person in charge of a vessel or of any on-shore facility or off-shore facility shall immediately undertake all reasonable actions to abate and remove the discharge or spill subject to applicable federal and state requirements, and subject to the control of the federal on-scene coordinator.

(b) In the event that the responsible person is unwilling or in the opinion of the executive director is unable to remove the discharge or spill, or the removal operation of the responsible person is inadequate, the commission may undertake the removal of the discharge or spill and may enter into agreements with other persons or public or private entities ~~[retain agents]~~ for these purposes who shall operate under the direction of the executive director.

(c) Any discharge or spill of a hazardous substance, the source of which is unknown, occurring in or having a potentially harmful effect on waters in this state or in waters beyond the jurisdiction of this state and which may reasonably be expected to

1 enter waters in this state may be removed by or under the direction
2 of the executive director. Any expense involved in the removal of a
3 ~~[an unexplained]~~ discharge or spill pursuant to Subsection (b) or
4 this subsection shall be paid, on the commission's approval, from
5 the account, subject to the authority of the commission to seek
6 reimbursement from an agency of the federal government, and from
7 the responsible person if the identity of that person is
8 discovered.

9 (d) Deleted by Acts 1989, 71st Leg., ch. 99, Sec. 4, eff.
10 Sept. 1, 1989.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.