

1-1 By: Van de Putte S.B. No. 1282
1-2 (In the Senate - Filed March 6, 2007; March 19, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 30, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 30, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1282 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the use of funds in the state municipal solid waste
1-11 superfund to remediate certain emergency situations.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 361, Health and Safety
1-14 Code, is amended by adding Section 361.0145 to read as follows:

1-15 Sec. 361.0145. RESPONSE TO OR REMEDIATION OF FIRE OR
1-16 EMERGENCY. (a) The commission may make an immediate response to
1-17 or remediation of a fire or other emergency that involves solid
1-18 waste, including processed or unprocessed material suitable for
1-19 recycling or composting, as the commission determines necessary to
1-20 protect the public health or safety.

1-21 (b) Notwithstanding Section 361.014(b), revenue otherwise
1-22 dedicated under that section may be used for an action authorized by
1-23 Subsection (a).

1-24 (c) The commission may recover from a person who is
1-25 responsible for the solid waste as provided by Section 361.271 the
1-26 reasonable expenses incurred by the commission during an immediate
1-27 response and remediation action under Subsection (a). The state
1-28 may bring an action to recover those reasonable expenses.

1-29 (d) If the commission used for an action under Subsection
1-30 (a) money otherwise dedicated under Section 361.014(b), money
1-31 recovered under Subsection (c) shall be deposited in the state
1-32 treasury to the credit of the commission until the amount deposited
1-33 equals the amount of the dedicated money used. Money credited under
1-34 this subsection may be used only as provided by Section 361.014(b).

1-35 SECTION 2. This Act takes effect immediately if it receives
1-36 a vote of two-thirds of all the members elected to each house, as
1-37 provided by Section 39, Article III, Texas Constitution. If this
1-38 Act does not receive the vote necessary for immediate effect, this
1-39 Act takes effect September 1, 2007.

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