

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 16, 2021

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1818 by Zaffirini (Relating to a defense under the Solid Waste Disposal Act for persons engaged in certain scrap metal recycling transactions.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code concerning a defense under the Solid Waste Disposal Act for persons engaged in certain scrap metal recycling transactions. The bill would provide that a person who arranges for recycling of scrap metal as defined in the bill is not responsible for the scrap metal under certain provisions of the Solid Waste Disposal Act if the person can establish certain conditions by a preponderance of the evidence. The bill provides that a person who commences an action for contribution against a person who is not responsible for the scrap metal under the new section is liable to that person for all reasonable costs incurred in defending that action, including reasonable attorney's fees and expert witness fees. The bill prevents the new section from being construed to affect any defenses or liabilities of certain persons, to create any presumption of liability against certain persons, or affect the liability of certain persons.

Based on the analysis of the Office of Court Administration and the Commission on Environmental Quality, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be absorbed with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 582 Commission on Environmental Quality

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