

## BILL ANALYSIS

Senate Research Center  
79R2348 SLO-F

S.B. 198  
By: Gallegos  
Natural Resources  
2/9/2005  
As Filed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law does not provide a county the authority to provide hazardous materials services that include response for leaks, spills, or clean-up for materials that have been abandoned. S.B. 198 grants a county the authority to provide hazardous materials services, including response for leaks, spills or clean-up in the event that the material has been abandoned. The bill specifies a fee for clean-up as well as exceptions to charging a fee, which are based on ownership, possession, or transportation. An individual who is not the owner of the material or who is involved solely for private, noncommercial purposes and receives no compensation for any services involving the material is exempt from paying the fee. Individuals who possess, transport, or own forms, quantities or containers normally available for public sale as consumer products to the general public are also exempt from paying the fee.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 11, Local Government Code, by adding Chapter 353, as follows:

#### CHAPTER 353. COUNTY HAZARDOUS MATERIALS SERVICES

Sec. 353.001. DEFINITIONS. Defines "hazardous materials" and "responsible party."

Sec. 353.002. HAZARDOUS MATERIALS SERVICE. Authorizes a county to provide hazardous materials services, including a response to an incident involving hazardous material that has been leaked, spilled, or otherwise released; or abandoned.

Sec. 353.003. FEE FOR PROVIDING HAZARDOUS MATERIALS SERVICE; EXCEPTION. (a) Authorizes a county, or a person authorized by contract on the county's behalf, to charge a reasonable fee to a responsible party, for responding to a hazardous materials service call.

(b) Provides that an individual who is a responsible party does not have to pay the fee if the individual adheres to certain requirements.

Sec. 353.004. EXEMPTION FOR GOVERNMENTAL ENTITIES. Provides that this chapter does not apply to governmental entities.

SECTION 2. Effective date: September 1, 2005.