

BILL ANALYSIS

C.S.H.B. 1947
By: Ordaz Perez
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that without proper notification communities may be left in the dark about the types of facilities that may be built in their area, leaving residents without a chance to provide input on the matter. C.S.H.B. 1947 seeks to address these concerns with respect to a facility to store, process, or dispose of medical waste by requiring an applicant for a permit for such a facility to provide certain notice to certain local officials in order to provide for a more transparent process.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1947 amends the Health and Safety Code to require an applicant for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste, not later than the 30th day after the date of filing an application or notice of intent to file an application for the permit, to provide notice of the application or notice of intent by hand delivery, facsimile, or USPS mail to the following:

- the state senator and representative who represent the area in which the facility is or is to be located;
- the commissioners court of the county in which the facility is or is to be located;
- the governing body of the municipality in which the facility is or is to be located, if applicable;
- the governing body of a school district in which the facility is or is to be located, if applicable; and
- the tribal council of an Indian tribe on whose tribal lands the facility is or is to be located, if applicable.

C.S.H.B. 1947 requires the applicant to submit to the Texas Commission on Environmental Quality (TCEQ) proof that notice has been provided in accordance with the bill's provisions.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1947 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute differs from the original by adding as a recipient of the notice of the application or notice of intent the tribal council of an Indian tribe on whose tribal lands the facility is or is to be located, if applicable. The substitute makes a specification not included in the original that the manner by which the applicant provides notice be by hand delivery, facsimile, or USPS mail.

The substitute includes a requirement not included in the original that the applicant submit to TCEQ proof that notice has been provided in accordance with the bill's provisions.

The substitute does not include the following provisions that appeared in the original:

- provisions requiring TCEQ to reject an application submitted by a person who has not complied with the bill's provisions, requiring a rejected application to be resubmitted with the appropriate fee in order to be considered, and establishing that the fee submitted with the original rejected application is forfeited; and
- a provision prohibiting TCEQ from issuing a permit for a new medical waste facility or the subsequent areal expansion of a medical waste facility or unit of that facility if the boundary of the facility or unit is to be located within 500 feet of an established residence, farm, ranch, church, school, university, community college, day-care center, surface water body used for a public drinking water supply, or dedicated public park.