

## **BILL ANALYSIS**

Senate Research Center  
76R7554 SMJ-D

S.B. 1447  
By: Barrientos  
Natural Resources  
4/8/1999  
Committee Report (Amended)

### **DIGEST**

Currently, under Texas law, Councils of Government (COG) were required to conduct inventories of the location of landfills within their jurisdiction, located prior to state licensure of landfills, and to record the location on deed records with the county clerk. However, an exact survey of the landfill boundaries is often impossible because the landfills have been closed for many years, and the land over the landfills had been subdivided, subjecting the COG to liability for incorrectly identifying property as being located over a landfill. This bill would require that notice to a landowner and a deed record identifying a former landfill are required only when the boundaries of a landfill are known, and maps be provided approximating the location of former landfills to county clerks, as well as municipal and county planning officials.

### **PURPOSE**

As proposed, S.B. 1447 requires that notice to a landowner and a deed record identifying a former landfill is required only when the boundaries of a landfill are known, and that maps be provided approximating the location of former landfills to county clerks, and municipal and county planning officials.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 363.064, Health and Safety Code, to require a regional or local solid waste management plan to include an inventory of municipal solid waste landfill units, including landfill units no longer in operation, with the exact boundaries of each former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries, and a map showing the approximate boundaries of each former landfill unit, if the exact boundaries are not known. Requires the council of governments (COG) for the area in which the former landfill unit is located to notify the owner of land that overlays the former landfill unit of the former use of the land, if the boundaries of a municipal solid waste unit that is no longer operating are known to be wholly on an identifiable tract. Provides that the notice requirements of this subsection do not apply if the exact boundaries of a former landfill unit are not known. Requires the county clerk to record on the deed records of land formerly used as a municipal solid waste landfill a description of the exact boundaries of the former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries, together with a legal description of the parcel or parcels of land in which the former landfill unit is located. Requires the county clerk to make the records available for public inspection. Requires each council of government to provide a copy of the inventory of municipal solid waste landfill units to the Texas Natural Resource Conservation Commission (TNRCC) and to the chief planning official of each municipality and county in which a unit is located. Requires TNRCC and certain officials to make the inventory available for public inspection. Makes conforming and nonsubstantive changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 363.064, Health and Safety Code, to require the COG for the area in which the

former landfill unit is located to notify the owner of land that overlays the former landfill unit of the former use of the land, if the boundaries of a municipal solid waste unit that is no longer operating are known to be wholly on an identifiable tract. Requires the county clerk to record on the deed records of land formerly used as a municipal solid waste landfill a description of the exact boundaries of the former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries, together with a legal description of the parcel or parcels of land in which the former landfill unit is located.