

## **BILL ANALYSIS**

Senate Research Center  
76R4287 MXM-D

S.B. 509  
By: Brown  
Natural Resources  
3/1/1999  
As Filed

### **DIGEST**

Currently, Texas provides for the Texas Innocent Owner/Operator Program at the Texas Natural Resource Conservation Commission (TNRCC). Participants in the program can obtain a certificate as an innocent owner or operator, under the Health and Safety Code or Water Code, if their property has become contaminated as a result of a release or migration of contaminants from a source or sources of contamination. The certificate provides immunity from cost-recovery by the state for such contamination on the certificate holder's property. S.B. 509 would clarify the application requirements for participants in the Innocent Owner/Operator Program administered by TNRCC; specifically, only those program participants who are eligible for immunity under Section 361.752(b), Health and Safety Code must demonstrate in their application that they are eligible for immunity under that section.

### **PURPOSE**

As proposed, S.B. 509 provides immunity from liability of certain property owners or operators if their property becomes environmentally contaminated.

### **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 361.753(a), Health and Safety Code, to authorize a person to apply to the Texas Natural Resource Conservation Commission for a certificate confirming that the person is an innocent owner or operator. Requires the application to include a complete site investigation report that demonstrates the owner or operator is eligible for immunity under Section 361.752(b), if the applicant is a person who acquired the property for which immunity is sought in the manner described by Section 361.752(b).

SECTION 2. Emergency clause.  
Effective date: upon passage.