

BILL ANALYSIS

C.S.H.B. 2811
By: Murphy
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the process for releasing information to the public after a disaster under certain community right-to-know laws. Reports indicate that some local officials in the state are facing intense pressure from the public to release information regarding the presence of hazardous materials in the community. However, it has been suggested that the Texas Commission on Environmental Quality (TCEQ) is better positioned to make decisions regarding the release of this information. C.S.H.B. 2811 seeks to address this issue by providing for the release of this information under certain circumstances.

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. 2811 amends the Health and Safety Code to make a tier two form that is in the possession of a political subdivision of the state confidential and not subject to disclosure under state public information law. The bill authorizes a political subdivision to release a tier two form or information contained in the form to the public only if either:

- the tier two form or applicable information has been made publicly available by the Texas Commission on Environmental Quality; or
- the information released only states the name of a class of dangerous goods under the hazard classification system used in the 2020 Emergency Response Guidebook published by the U.S. Department of Transportation.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2811 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 includes an alternative condition absent from the original under which a political subdivision may release tier two form information that only states the name of a class of dangerous goods under a certain classification system.