

BILL ANALYSIS

H.B. 1707
By: Taylor
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Recycling Market Development Board was created in 1991 by Senate Bill 1340 (72nd Legislature) to assist state agencies and local governments in reducing the amount of municipal solid waste disposed of in landfills through source reduction and recycling. The Board is composed of the commissioner of the General Land Office, the chairman of the Texas Natural Resource Conservation Commission (now the Texas Commission on Environmental Quality), the executive director of the General Services Commission (now the Building and Procurement Commission), and the executive director of the Texas Department of Commerce (now the Texas Department of Economic Development).

The Recycling Market Development Board is required to:

1. identify existing economic and regulatory incentives and disincentives for creating an optimal market development strategy;
2. analyze the market development implications of: (A) the state's waste management policies and regulations; (B) existing and potential markets for plastic, glass, paper, lead-acid batteries, tires, compost, scrap gypsum, coal combustion by-products, and other recyclable materials; and (C) the state's tax structure and overall economic base;
3. examine and make policy recommendations regarding the need for changes in or the development of: (A) economic policies that affect transportation, such as those embodied in freight rate schedules; (B) tax incentives and disincentives; (C) the availability of financial capital including grants, loans, and venture capital; (D) enterprise zones; (E) managerial and technical assistance; (F) job-training programs; (G) strategies for matching market supply and market demand for recyclable materials, including intrastate and interstate coordination; (H) the state recycling goal; (I) public-private partnerships; (J) research and development; (K) government procurement policies; (L) educational programs for the public, corporate and regulated communities, and government entities; and (M) public health and safety regulatory policies;
4. establish a comprehensive statewide strategy to expand markets for recycled products in Texas;
5. provide information and technical assistance to small and disadvantaged businesses, business development centers, chambers of commerce, educational institutions, and nonprofit associations on market opportunities in the area of recycling; and
6. with the cooperation of the Office of State-Federal Relations, assist communities and private entities in identifying state and federal grants pertaining to recycling and solid waste management.

The Texas General Land Office's purpose and statutory responsibilities offer little expertise to the Board that is not already provided by current member agencies. The General Land Office has not had a Full-Time Equivalent (FTE) dedicated to the work on recycling since 1999.

This bill updates the Solid Waste Disposal Act by changing the names of various affected state agencies and deleting the Commissioner of the Texas General Land Office as a member of the Board.

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

Section by section analysis:

Section 1 amends Section 361.422(e), Health and Safety Code, by deleting the Texas General Land Office as a member of the advisory task force, which would only have been established if the Texas Commission on Environmental Quality (TCEQ) determines that the State is not meeting its recycling goal.

Section 2 amends Section 361.423(a), Health and Safety Code, by clarifying the members of the Recycling Market Development Board and deleting the Commissioner of the Texas General Land Office. It corrects the names of the remaining member agencies: The Texas Commission on Environmental Quality, the Texas Building and Procurement Commission, and the Texas Department of Economic Development. The section also updates the chairmanship rotation of the Board.

Section 3 repeals Section 361.423(d), Health & Safety Code, which relates to the General Land Office being required to provide ongoing research and assistance to the Recycling Market Development Board. It also repeals the section in the Health & Safety Code which requires the General Land Office to develop and implement a statewide recycling awareness campaign.

Section 4 clearly states that if the Commissioner of the GLO is the presiding officer of the RMDB on the effective date of the bill then the Chairman of the TECQ shall be the presiding officer.

EFFECTIVE DATE

This Act takes effect September 1, 2003.