

AN ACT

relating to recycling and other services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 361.014, Health and Safety Code, is amended to read as follows:

(a) Revenue received by the commission under Section 361.013 shall be deposited in the state treasury to the credit of the commission. Half of the revenue is dedicated to the commission's municipal solid waste permitting and enforcement programs and related support activities and to pay for activities that will enhance the state's solid waste management program, including:

(1) provision of funds for the municipal solid waste management planning fund and the municipal solid waste resource recovery applied research and technical assistance fund established by the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act (Chapter 363);

(2) conduct of demonstration projects and studies to help local governments of various populations and the private sector to convert to accounting systems and set rates that reflect the full costs of providing waste management services and are proportionate to the amount of waste generated;

(3) provision of technical assistance to local governments concerning solid waste management;

1           (4) establishment of a solid waste resource center in  
2 the commission and an office of waste minimization and recycling;

3           (5) provision of supplemental funding to local  
4 governments for the enforcement of this chapter, the Texas Litter  
5 Abatement Act (Chapter 365), and Chapters 391 and 683,  
6 Transportation Code;

7           (6) conduct of a statewide public awareness program  
8 concerning solid waste management;

9           (7) provision of supplemental funds for other state  
10 agencies with responsibilities concerning solid waste management,  
11 recycling, and other initiatives with the purpose of diverting  
12 recyclable waste from landfills;

13           (8) conduct of research to promote the development and  
14 stimulation of markets for recycled waste products;

15           (9) creation of a state municipal solid waste  
16 superfund, from funds appropriated, for:

17                   (A) the cleanup of unauthorized tire dumps and  
18 solid waste dumps for which a responsible party cannot be located or  
19 is not immediately financially able to provide the cleanup; ~~and~~

20                   (B) the cleanup or proper closure of abandoned or  
21 contaminated municipal solid waste sites for which a responsible  
22 party is not immediately financially able to provide the cleanup;  
23 and

24                   (C) remediation, cleanup, and proper closure of  
25 unauthorized recycling sites for which a responsible party is not  
26 immediately financially able to perform the remediation, cleanup,  
27 and closure;

1           (10) provision of funds to mitigate the economic and  
2 environmental impacts of lead-acid battery recycling activities on  
3 local governments; and

4           (11) provision of funds for the conduct of research by  
5 a public or private entity to assist the state in developing new  
6 technologies and methods to reduce the amount of municipal waste  
7 disposed of in landfills.

8           SECTION 2. Chapter 756, Health and Safety Code, is amended  
9 by adding Subchapter G to read as follows:

10           SUBCHAPTER G. MUNICIPAL LANDSCAPING SERVICES

11           Sec. 756.101. AUTHORIZATION. To protect the public health,  
12 safety, or welfare, a municipality may provide landscaping  
13 services, including tree-trimming, tree disposal, remediation,  
14 cleanup, and recycling services, to any person who resides or  
15 business that operates inside or outside the corporate limits of  
16 the municipality only if the governing body of the municipality  
17 makes written findings as required by Section 756.102.

18           Sec. 756.102. FINDINGS REQUIRED. The written findings  
19 must:

20                   (1) identify the problem requiring the need for  
21 providing municipal landscaping services;

22                   (2) identify the public health, safety, or welfare  
23 concern;

24                   (3) describe any reasonable actions previously taken  
25 to alleviate the problem; and

26                   (4) specify a period of definite duration necessary to  
27 address the problem.

1        Sec. 756.103. EXCEPTION. The limitations and requirements  
2 of this subchapter do not apply to a municipality in times of  
3 emergency, catastrophe, or other calamity.

4        SECTION 3. This Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 585 passed the Senate on April 30, 2003, by a viva-voce vote; May 30, 2003, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 585 passed the House, with amendment, on May 25, 2003, by a non-record vote; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by a non-record vote.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

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Governor