

By: Hope

H.B. No. 786

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of county governments to prohibit solid  
3 waste disposal.

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

5 SECTION 1. Sections 364.012(b) and (f), Health and Safety  
6 Code, are amended to read as follows:

7 (b) To prohibit the disposal of municipal or industrial  
8 solid waste in a county, the commissioners court must adopt an  
9 ordinance in the general form prescribed for municipal ordinances  
10 [~~specifically designating the area of the county in which municipal~~  
11 ~~or industrial solid waste disposal is not prohibited~~].

12 (f) The commission may not grant an application for a permit  
13 to process or dispose of municipal or industrial solid waste in an  
14 area in which the processing or disposal of municipal or industrial  
15 solid waste is prohibited by an ordinance, unless the county  
16 violated Subsection (e) in passing the ordinance or except as  
17 provided by this subsection. The commission by rule may specify the  
18 procedures for determining whether an application is for the  
19 processing or disposal of municipal or industrial solid waste in an  
20 area for which that processing or disposal is prohibited by an  
21 ordinance. The commission may grant an application for a permit to  
22 dispose of municipal or industrial solid waste in an area in which  
23 the disposal of municipal or industrial solid waste is prohibited  
24 by a county ordinance adopted under this section if:

1           (1) the commission determines that the area the permit  
2 application proposes for that activity is appropriate for that  
3 activity; and

4           (2) the ordinance:

5           (A) does not designate an area of the county in  
6 which municipal or industrial solid waste disposal is not  
7 prohibited; or

8           (B) designates one or more areas of the county in  
9 which municipal or industrial solid waste is not prohibited and the  
10 commission determines that none of those areas is appropriate for  
11 that activity.

12           SECTION 2. This Act takes effect September 1, 2005.