

By: Maldonado

H.B. No. 3311

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a permit for a municipal solid waste landfill located near certain municipalities.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1235 to read as follows:

Sec. 361.1235. CONSENT TO LOCATION OF SOLID WASTE LANDFILL NEAR CERTAIN MUNICIPALITIES. (a) The commission may not issue a permit for a municipal solid waste landfill unless the commission receives written consent to the permit from the governing body of each municipality that has:

(1) any part of its municipal boundary located five miles or less from the proposed landfill; and

(2) a population of more than 5,000.

(b) The governing body of a municipality may not provide consent under Subsection (a) if:

(1) that governing body determines that the health, safety, or welfare of the residents of the municipality may be negatively affected by the landfill;

(2) the landfill site or the operation of the landfill fails to comply with the land use and zoning regulations of the municipality; or

(3) the landfill site or the operation of the landfill fails to correspond with the municipality's land use and

1 development plans.

2         SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.