

1-1 By: Duncan S.B. No. 1258
1-2 (In the Senate - Filed March 8, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1258 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the disposal of demolition waste from abandoned or
1-11 nuisance buildings in certain areas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 361, Health and Safety
1-14 Code, is amended by adding Section 361.126 to read as follows:

1-15 Sec. 361.126. DISPOSAL OF DEMOLITION WASTE FROM ABANDONED
1-16 OR NUISANCE BUILDING. (a) This section applies only to a building
1-17 that has been:

1-18 (1) abandoned or found to be a nuisance;
1-19 (2) acquired by the county or municipality by means

1-20 of:

1-21 (A) bankruptcy;

1-22 (B) tax delinquency; or

1-23 (C) condemnation; and

1-24 (3) previously owned by a person not financially
1-25 capable of paying the costs of the disposal of demolition waste at a
1-26 permitted solid waste disposal facility, including transportation
1-27 of the waste to the facility.

1-28 (b) The commission may issue a permit by rule to authorize
1-29 the governing body of a county or municipality with a population of
1-30 10,000 or less to dispose of demolition waste from a building if the
1-31 disposal occurs on land that:

1-32 (1) the county or municipality owns or controls; and

1-33 (2) would qualify for an arid exemption under
1-34 commission rules.

1-35 (c) The commission may adopt rules under Section 361.024 to
1-36 control the collection, handling, storage, processing, and
1-37 disposal of demolition waste under this section to protect public
1-38 and private property, rights-of-way, groundwater, and any other
1-39 right that requires protection.

1-40 SECTION 2. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2011.

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