

By: Bell

H.B. No. 1490

Substitute the following for H.B. No. 1490:

By: Lewis

C.S.H.B. No. 1490

A BILL TO BE ENTITLED

AN ACT

relating to the amount and disposition of fees collected for  
municipal solid waste disposal.

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

SECTION 1. Section 361.013, Health and Safety Code, is  
amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) The commission shall notify the comptroller if the  
balance of the unobligated money in the municipal solid waste  
disposal account equals or exceeds \$30 million. Notwithstanding  
Subsection (b), the rate of each fee established under Subsection  
(a) is reduced by 50 percent not later than the 60th day after the  
date of a notice described by this subsection. Revenues received by  
the commission from fees collected after a reduction in the fees  
under this subsection shall be deposited to the credit of the waste  
management account.

(a-2) The commission shall notify the comptroller if the  
balance of the unobligated money in the municipal solid waste  
disposal account falls below \$20 million. If a fee reduction under  
Subsection (a-1) is in effect, on the 60th day after the date of a  
notice under this subsection, the rate of each fee is the rate  
established under Subsection (a). One-half of the revenues  
received by the commission from fees collected after a fee increase  
under this subsection shall be deposited to the credit of the waste  
management account, and one-half of those revenues shall be

1 deposited to the credit of the municipal solid waste disposal  
2 account.

3 SECTION 2. Section 361.014(a), Health and Safety Code, is  
4 amended to read as follows:

5 (a) Revenue received by the commission under Section  
6 361.013 shall be deposited in the state treasury to the credit of  
7 the commission. Half of the revenue is dedicated to the  
8 commission's municipal solid waste permitting and enforcement  
9 programs and related support activities and to pay for activities  
10 that will enhance the state's solid waste management program,  
11 including:

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

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

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

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

26 (5) provision of supplemental funding to local  
27 governments for the enforcement of this chapter, the Texas Litter

Abatement Act (Chapter 365), and Chapters 391 and 683,  
Transportation Code;

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

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

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

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

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

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

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

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

(11) provision of funds for the conduct of research by

1 a public or private entity to assist the state in developing new  
2 technologies and methods to reduce the amount of municipal waste  
3 disposed of in landfills;

4 (12) provision of funds for natural gas vehicle  
5 fueling stations in nonattainment areas to facilitate the  
6 conversion of solid waste fleets from using diesel fuel to using  
7 natural gas; and

8 (13) provision of funds for municipal solid waste  
9 projects, including waste-to-energy projects, projects to turn  
10 landfill biogas or wastewater treatment facility biogas into  
11 electricity or renewable fuel, and projects involving the anaerobic  
12 digestion of organic waste.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2013.