

By: Walle

H.B. No. 2046

A BILL TO BE ENTITLED

AN ACT

relating to the amount of the solid waste disposal fee and the allocation of revenue from that fee.

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

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

(a) Except as provided by Subsections (e) through (i), the commission shall charge a fee on all solid waste that is disposed of within this state. The fee is \$1.25 [~~94 cents~~] per ton received for disposal at a municipal solid waste landfill if the solid waste is measured by weight. If the solid waste is measured by volume, the fee for compacted solid waste is 40 [~~30~~] cents per cubic yard and the fee for uncompacted solid waste is 25 [~~19~~] cents per cubic yard received for disposal at a municipal solid waste landfill. The commission shall set the fee for sludge or similar waste applied to the land for beneficial use on a dry weight basis and for solid waste received at an incinerator or a shredding and composting facility at half the fee set for solid waste received for disposal at a landfill. The commission may charge comparable fees for other means of solid waste disposal that are used.

SECTION 2. Sections 361.014(a) and (b), Health and Safety Code, are 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

1 the commission. Of that revenue, 50 [~~66.7~~] percent is dedicated to
2 the commission's municipal solid waste permitting programs,
3 enforcement programs, and site remediation programs, and to pay for
4 activities that will enhance the state's solid waste management
5 program. The commission shall issue a biennial report to the
6 legislature describing in detail how the money was spent. The
7 activities to enhance the state's solid waste management program
8 may include:

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

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

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

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

23 (5) provision of supplemental funding to local
24 governments for the enforcement of this chapter, the Texas Litter
25 Abatement Act (Chapter [365](#) of this code), and Chapters [391](#) and [683](#),
26 Transportation Code;

27 (6) conduct of a statewide public awareness program

1 concerning solid waste management;

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

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

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

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

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

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

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

24 (11) provision of funds for the conduct of research by
25 a public or private entity to assist the state in developing new
26 technologies and methods to reduce the amount of municipal waste
27 disposed of in landfills; and

1 (12) provision of funds for grants to encourage
2 entities located in an affected county or a nonattainment area, as
3 defined by Section 386.001, to convert heavy-duty vehicles used for
4 municipal solid waste collection into vehicles powered by natural
5 gas engines.

6 (b) Of the revenue received by the commission under Section
7 361.013, 50 [~~33.3~~] percent is dedicated to local and regional solid
8 waste projects consistent with regional plans approved by the
9 commission in accordance with this chapter and to update and
10 maintain those plans. Those revenues shall be allocated to
11 municipal solid waste geographic planning regions for use by local
12 governments and regional planning commissions according to a
13 formula established by the commission that takes into account
14 population, area, solid waste fee generation, and public health
15 needs. Each planning region shall issue a biennial report to the
16 legislature detailing how the revenue is spent. A project or
17 service funded under this subsection must promote cooperation
18 between public and private entities and may not be otherwise
19 readily available or create a competitive advantage over a private
20 industry that provides recycling or solid waste services.

21 SECTION 3. The changes in law made by this Act to Sections
22 361.013 and 361.014, Health and Safety Code, apply only to a fee
23 collected on or after the effective date of this Act. A fee
24 collected before the effective date of this Act is governed by the
25 law in effect when the fee was collected, and the former law is
26 continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2017.