

By: Zaffirini

S.B. No. 2161

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the approval or disapproval by county referendum of an
3 application for a permit for a commercial surface disposal
4 facility.

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

6 SECTION 1. Subchapter D, Chapter 91, Natural Resources
7 Code, is amended by adding Section 91.118 to read as follows:

8 Sec. 91.118. COUNTY REFERENDUM ON COMMERCIAL SURFACE
9 DISPOSAL FACILITY. (a) In this section, "commercial surface
10 disposal facility" has the meaning assigned by Section 91.116.

11 (b) The commission may not approve an application for a
12 permit for a commercial surface disposal facility if an election is
13 held on the application under this section in the county in which
14 the facility is proposed to be located while the application is
15 pending and the application is not approved at the election.

16 (c) If a number of qualified voters equal to 10 percent or
17 more of the voters of the county who voted for governor in the last
18 preceding gubernatorial election sign and present to the
19 commissioners court a petition calling for an election on an
20 application for a permit for a commercial surface disposal facility
21 proposed to be located in the county, the commissioners court shall
22 order an election on the proposition and notify the commission of
23 the election.

24 (d) If the commission receives notice under Subsection (c)

1 of an election to be held on an application for a permit, the
2 commission may not approve the application before the election
3 result is declared.

4 (e) The election order must be signed by the county judge.
5 Copies of the order shall be posted at the door of the county
6 courthouse and at all post offices in the county.

7 (f) The election shall be held after the 45th day and on or
8 before the 90th day after the date the election is ordered.

9 (g) Section 41.001(a), Election Code, does not apply to an
10 election ordered under this section.

11 (h) An election held under this section may include
12 propositions for the approval of applications for permits for more
13 than one commercial surface disposal facility.

14 (i) The ballot in an election held under this section shall
15 be printed to permit voting for or against the proposition:
16 "Approval of an application submitted by (name of applicant) for a
17 permit for a commercial surface disposal facility to be operated at
18 (proposed location of facility)."

19 (j) The election officers shall certify to the
20 commissioners court the number of votes cast for or against each
21 proposition in the election.

22 (k) The commissioners court shall declare the result and
23 notify the commission of the result.

24 SECTION 2. The change in law made by this Act applies only
25 to an application for a permit that is pending before the Railroad
26 Commission of Texas on or after the effective date of this Act.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2017.