86R22182 MP-F

By:  Darby H.B. No. 2723

Substitute the following for H.B. No. 2723:

By:  Lozano C.S.H.B. No. 2723

A BILL TO BE ENTITLED

AN ACT

relating to local government and other political subdivision regulation of certain solid waste facilities.

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

SECTION 1.  The heading to Section 361.095, Health and Safety Code, is amended to read as follows:

Sec. 361.095.  LOCAL PERMITS FOR [~~APPLICANT FOR~~] HAZARDOUS WASTE MANAGEMENT AND MUNICIPAL SOLID WASTE FACILITIES [~~FACILITY PERMIT EXEMPT FROM LOCAL PERMIT~~].

SECTION 2.  Section 361.095, Health and Safety Code, is amended by adding Subsections (a-1) and (g) and amending Subsections (b) and (d) to read as follows:

(a-1)  An applicant for a permit under this subchapter is not required to obtain a permit for the siting, construction, or operation of a municipal solid waste facility from a local government or other political subdivision of the state as a prerequisite to a permit being issued by the commission.

(b)  A local government or other political subdivision of the state may not adopt a rule or ordinance that conflicts with or is inconsistent with:

(1)  the requirements for hazardous waste management or municipal solid waste facilities as specified by:

(A)  the rules of the commission; or

(B)  [~~by~~] a permit issued by the commission; or

(2)  the requirements for municipal solid waste facilities under Section 361.011.

(d)  The validity or applicability of a rule or ordinance of a local government or other political subdivision may be determined in an action for declaratory judgment under Chapter 37, Civil Practice and Remedies Code, if it is alleged that the rule or ordinance, or its threatened application, interferes with, [~~or~~] impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff concerning an issued permit, an application for a permit, or the issuance of a permit for the siting, construction, or operation of a hazardous waste management or municipal solid waste facility.

(g)  This section does not prevent or limit:

(1)  a county or municipality from exercising the authority granted under Section 363.112; or

(2)  a county from exercising the authority granted under Section 364.012.

SECTION 3.  This Act takes effect September 1, 2019.