

By: Thompson of Brazoria

H.B. No. 3210

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of the Texas Cleaner Landscapes for
3 the Economy, Agriculture, and Nature (CLEAN) Advisory Council.

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

5 SECTION 1. This Act may be cited as the Texas Cleaner
6 Landscapes for the Economy, Agriculture, and Nature (CLEAN) Act.

7 SECTION 2. Subtitle B, Title 5, Health and Safety Code, is
8 amended by adding Chapter 375 to read as follows:

9 CHAPTER 375. TEXAS CLEANER LANDSCAPES FOR THE ECONOMY,

10 AGRICULTURE, AND NATURE ADVISORY COUNCIL

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 375.0101. DEFINITIONS. In this chapter:

13 (1) "Beverage container":

14 (A) means an individual, separate, and sealed
15 container that is made entirely or of any combination of glass,
16 aluminum, steel, other metal, or plastic, regardless of size, and
17 is used for containing, at the time of sale to a consumer, a
18 beverage for consumption; and

19 (B) does not include refillable containers that
20 are intended to be refilled and reused more than once for sale or
21 distribution.

22 (2) "Carryout bag":

23 (A) means a bag that is designed for one use and
24 provided gratuitously by a grocery store, retail store, or food

1 service establishment at the point of sale for the purpose of
2 transporting groceries, prepared foods, or consumer goods; and

3 (B) does not include a bag:

4 (i) that lacks handles and is used to
5 prevent an item of food from damaging or contaminating another food
6 item;

7 (ii) intended to contain an unwrapped food
8 item, food items sold in bulk, or a hot food item;

9 (iii) used as part of distributing
10 newspapers; or

11 (iv) used by a customer to transport dry
12 cleaning or pharmaceuticals.

13 (3) "Council" means the Texas Cleaner Landscapes for
14 the Economy, Agriculture, and Nature Advisory Council.

15 (4) "Food service establishment" means an
16 establishment, place, or location, whether permanent, temporary,
17 seasonal, or itinerant, where food is prepared and the public is
18 offered to be served, or is served, prepared food.

19 (5) "Grocery store" means a business primarily engaged
20 in the retail sale of packaged food for off-site consumption.

21 (6) "Retail store" means a business engaged in the
22 sale of consumer goods.

23 SUBCHAPTER B. TEXAS CLEANER LANDSCAPES FOR THE ECONOMY,

24 AGRICULTURE, AND NATURE ADVISORY COUNCIL

25 Sec. 375.0201. TEXAS CLEANER LANDSCAPES FOR THE ECONOMY,
26 AGRICULTURE, AND NATURE ADVISORY COUNCIL. (a) The Texas Cleaner
27 Landscapes for the Economy, Agriculture, and Nature Advisory

1 Council consists of 13 residents of this state appointed as
2 follows:

3 (1) four members appointed by the governor as follows:

4 (A) one representative of county governments;

5 (B) one representative of the agriculture
6 industry;

7 (C) one representative of the solid waste
8 industry; and

9 (D) one representative of the conservation
10 community;

11 (2) three members appointed by the lieutenant governor
12 as follows:

13 (A) one representative of retailers who sell or
14 give away beverage containers or carryout bags;

15 (B) one representative of manufacturers or
16 distributors of beverage containers or carryout bags; and

17 (C) one representative of businesses that
18 utilize recycled glass, aluminum, or plastic in manufacturing
19 operations;

20 (3) three members appointed by the governor from a
21 list provided by the speaker of the house of representatives as
22 follows:

23 (A) one representative of retailers who sell or
24 give away beverage containers or carryout bags;

25 (B) one representative of manufacturers or
26 distributors of beverage containers or carryout bags; and

27 (C) one representative of businesses that

1 utilize recycled glass, aluminum, or plastic in manufacturing
2 operations;

3 (4) the comptroller or the comptroller's designee, who
4 serves as a voting ex officio member;

5 (5) the executive director of the Texas Department of
6 Transportation or that executive director's designee, who serves as
7 a voting ex officio member; and

8 (6) the commissioner of agriculture or the
9 commissioner's designee, who serves as a voting ex officio member.

10 (b) The members serve staggered terms of six years with
11 three or four members' terms, as applicable, expiring February 1 of
12 even-numbered years.

13 (c) The members shall elect a chair and a vice chair, whose
14 duties are established by the council.

15 (d) In making the appointments under Subsection (a), an
16 appointing authority shall strive to ensure that the council is
17 composed of persons who are diverse in professional or educational
18 background, ethnicity, race, sex, geographic residency, heritage,
19 perspective, and experience.

20 Sec. 375.0202. MEETINGS. (a) The council shall elect its
21 chair and vice chair annually.

22 (a-1) Notwithstanding Subsection (c), the comptroller shall
23 call the first meeting of the council. The council shall elect its
24 chair and vice chair at that meeting. This subsection expires
25 September 1, 2025.

26 (b) The council shall:

27 (1) establish a time and place for regular meetings;

1 and

2 (2) meet not less than once quarterly.

3 (c) All meetings of the council, including emergency
4 meetings, are at the call of the chair with written notice given to
5 all council members.

6 (d) The council may conduct special or regular meetings by
7 electronic or other means pursuant to Chapter 551, Government Code.

8 (e) A majority of the voting members of the council
9 constitutes a quorum. If a quorum is present, the council may act
10 on any matter within its jurisdiction by a majority vote.

11 Sec. 375.0203. VACANCY. A vacancy on the council shall be
12 filled for the unexpired term in the same manner as the original
13 appointment.

14 Sec. 375.0204. REMOVAL. The respective appointing
15 authorities may remove a member of the council other than an ex
16 officio member for misconduct, incapacity, or neglect of duty.

17 Sec. 375.0205. COMPENSATION. A member of the council is not
18 entitled to compensation for services on the council but is
19 entitled to reimbursement for actual reasonable and necessary
20 expenses incurred in performing council duties.

21 Sec. 375.0206. DUTIES. (a) The council shall:

22 (1) create and implement a program that recovers, for
23 the purpose of recycling, 85 percent of plastic, glass, and
24 aluminum beverage containers sold within this state;

25 (2) develop a carryout bag reduction and recycling
26 program to:

27 (A) address the proliferation of carryout bags;

1 and

2 (B) reduce a source of litter on the landscape,
3 source of contamination to recycling systems, source of injury to
4 wildlife and livestock, and threat to this state's agriculture
5 industry;

6 (3) develop and implement a statewide litter program
7 to comprehensively address litter prevention and reduction;

8 (4) evaluate existing state laws, and any
9 administrative rules related to those laws, that address litter;

10 and

11 (5) report to the legislature on the effectiveness of
12 any laws and rules evaluated under Subdivision (4) and make
13 recommendations on how those laws and rules may be improved.

14 (b) In developing and implementing programs required by
15 Subsections (a)(1)-(3), the council shall:

16 (1) determine how money generated from a program
17 developed under Subsection (a)(1) may be used for the purposes of
18 this chapter;

19 (2) develop and implement a system to prevent fraud
20 and abuse of the programs;

21 (3) establish civil penalties to deter fraud;

22 (4) work with manufacturers to maximize the amount of
23 recovered material returned to the production cycle; and

24 (5) take any other action directly related to the
25 development of the programs and to effectuate the purposes of this
26 chapter.

27 Sec. 375.0207. REPORT. (a) Not later than September 1 of

1 each year, the council shall prepare and submit to the governor and
2 the legislature a financial report on the implementation of the
3 programs described by Sections 375.0206(a)(1)-(3).

4 (b) Not later than September 1, 2027, the council shall
5 prepare and submit to the governor and the legislature a report that
6 details the operational framework of the programs described by
7 Sections 375.0206(a)(1)-(3) as of that date. This subsection
8 expires January 1, 2028.

9 Sec. 375.0208. IMPLEMENTATION AND RULES. (a) The
10 comptroller, in consultation with the council, may adopt rules to
11 effectuate the purposes of this chapter.

12 (b) Before developing and implementing the programs
13 required under Sections 375.0206(a)(1)-(3), performing the
14 evaluation required under Section 375.0206(a)(4), and making the
15 reports required under Sections 375.0206(a)(5) and 375.0207, the
16 comptroller shall:

17 (1) research, evaluate, and develop recommendations
18 in order to determine the most effective methods and actions
19 necessary to effectuate the purposes of this chapter; and

20 (2) submit those recommendations to the council.

21 SECTION 3. (a) Not later than December 1, 2024, the
22 appropriate appointing authority shall appoint the members to the
23 Texas Cleaner Landscapes for the Economy, Agriculture, and Nature
24 Advisory Council as required by Section 375.0201, Health and Safety
25 Code, as added by this Act.

26 (b) Notwithstanding Section 375.0201, Health and Safety
27 Code, as added by this Act, in making the initial appointments under

1 that section, the governor and lieutenant governor shall, as
2 applicable, designate one member of the Texas Cleaner Landscapes
3 for the Economy, Agriculture, and Nature Advisory Council appointed
4 by that person to serve a term expiring February 1, 2026, one member
5 appointed by that person to serve a term expiring February 1, 2028,
6 and one member appointed by that person to serve a term expiring
7 February 1, 2030. The governor shall appoint an additional member
8 to serve a term expiring February 1, 2026.

9 SECTION 4. (a) Not later than June 30, 2026, the Texas
10 Cleaner Landscapes for the Economy, Agriculture, and Nature
11 Advisory Council shall develop and begin the implementation of
12 programs described by Section 375.0206(a), Health and Safety Code,
13 as added by this Act, and shall make the report regarding state laws
14 and administrative rules as required by Subsection (a)(5) of that
15 section.

16 (b) Not later than September 1, 2027, the Texas Cleaner
17 Landscapes for the Economy, Agriculture, and Nature Advisory
18 Council shall submit to the legislature and the governor the
19 initial report required under Section 375.0207(a), Health and
20 Safety Code, as added by this Act.

21 SECTION 5. This Act takes effect September 1, 2023.