

## AN ACT

relating to financial assurance for certain solid waste processing facilities.

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

SECTION 1. Section 361.119, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) A facility that is owned, operated, or affiliated with a person that has a permit to dispose of municipal solid waste is not subject to regulation or [the] requirements for financial assurance under rules adopted under this section [~~of recordkeeping and reporting adopted under Subsection (b)~~].

(f) The commission shall adopt rules to ensure that the owner or operator of a recycling facility, including a composting or mulching facility, has in place sufficient financial assurance conditioned on satisfactorily operating and closing the facility and consistent with the requirements of Section 361.085 for a solid waste facility other than a facility for the disposal of hazardous waste. This subsection applies only to an owner or operator of a recycling facility:

(1) at which combustible material is stored outdoors;

or

(2) that poses a significant risk to public health and safety as determined by the commission.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2003.

David Swihart

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1823 was passed by the House on May 16, 2003, by the following vote: Yeas 142, Nays 1, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1823 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Satay Saw

Secretary of the Senate

APPROVED:

20 JUN 103

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30 PM O'CLOCK

Leann Shea  
JUN 20 2003  
Secretary of State