

1-1 By: Zaffirini S.B. No. 649
 1-2 (In the Senate - Filed February 5, 2019; March 1, 2019, read
 1-3 first time and referred to Committee on Natural Resources &
 1-4 Economic Development; April 8, 2019, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 8,
 1-6 Nays 1; April 8, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13			X	
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 649 By: Zaffirini

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to promotion of the use of recyclable materials as
 1-24 feedstock for processing and manufacturing.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter B, Chapter 361, Health and Safety
 1-27 Code, is amended by adding Section 361.0152 to read as follows:
 1-28 Sec. 361.0152. STIMULATE USE OF RECYCLABLE MATERIAL.

1-29 (a) In this section:

1-30 (1) "Manufacturer" means a facility that uses
 1-31 postconsumer or postindustrial derived recyclable material to
 1-32 create a finished product for sale or trade.

1-33 (2) "Principal processor" means a facility that
 1-34 receives recyclable materials from generators or collection
 1-35 programs and sorts, cleans, screens, bales, densifies, cures, or
 1-36 creates product that is ready for beneficial reuse immediately
 1-37 after processing or is ready to be used as a feedstock by a
 1-38 subsequent processor or manufacturer.

1-39 (3) "Recyclable material" includes paper, plastic,
 1-40 metal, glass, vegetative waste, compost, mulch, tires, electronic
 1-41 waste, construction and demolition debris, batteries, and paint.

1-42 (b) This section does not apply to ferrous or nonferrous
 1-43 metals recycled by a metal recycling entity as defined by Section
 1-44 1956.001, Occupations Code.

1-45 (c) In cooperation with the Texas Economic Development and
 1-46 Tourism Office, the commission shall produce a plan to stimulate
 1-47 the use of recyclable materials as feedstock in processing and
 1-48 manufacturing.

1-49 (d) The plan must:

1-50 (1) identify the quantity and type of recyclable
 1-51 materials that are being recycled from municipal and industrial
 1-52 sources;

1-53 (2) identify and estimate the quantity and type of
 1-54 recyclable materials that are generated but not being recycled;

1-55 (3) identify and estimate the current economic
 1-56 benefits of recycling materials and the potential economic benefits
 1-57 to be gained by recycling materials identified under Subdivision
 1-58 (2);

1-59 (4) identify the location, processing capacity, and
 1-60 consumption capacity of existing principal processors and

2-1 manufacturers;
2-2 (5) identify the barriers to increasing the use of
2-3 recyclable materials as feedstock for principal processors and
2-4 manufacturers and means to eliminate those barriers;
2-5 (6) identify and estimate the need and type of
2-6 principal processing and manufacturing facilities necessary to
2-7 consume the existing and potential volumes of recyclable materials;
2-8 and
2-9 (7) recommend institutional, financial,
2-10 administrative, and physical methods, means, and processes that
2-11 could be applied by this state and by local governments to:
2-12 (A) increase the use of recyclable materials;
2-13 (B) stimulate the use of recyclable materials by
2-14 principal processors and manufacturers; and
2-15 (C) encourage the expansion of existing
2-16 principal processors and manufacturers and the development of new
2-17 principal processors and manufacturers that use recyclable
2-18 materials.
2-19 (e) The plan may not require a generator, collector, or
2-20 processor of recyclable materials to ship to or use a particular
2-21 processing or manufacturing facility.
2-22 (f) To the extent practicable in preparing the plan, the
2-23 commission shall use methodologies and information derived from
2-24 other recycling economic studies already performed.
2-25 (g) The commission shall update the plan every four years,
2-26 and in a year in which the plan is updated, the plan shall be
2-27 included in the annual summary of municipal solid waste management
2-28 produced by the municipal solid waste permits section of the
2-29 commission and delivered to the governor and legislature.
2-30 (h) In cooperation with other state agencies, including the
2-31 governor's office, the commission shall develop an education
2-32 program intended for the public that must include:
2-33 (1) the economic benefits of recycling, including job
2-34 creation, economic impact, percent of total municipal and
2-35 industrial solid waste recycled, weight and volume of municipal and
2-36 industrial solid waste recycled, and taxes and fees paid by the
2-37 recycling industry;
2-38 (2) a spotlight of collectors and processors of
2-39 recyclable materials and manufacturers based in this state that are
2-40 using recyclable materials as feedstock; and
2-41 (3) the detrimental effects of contamination in the
2-42 recyclable materials stream and the need to reduce those effects.
2-43 (i) The commission shall update the education program
2-44 required by Subsection (h) at least every four years.
2-45 (j) The commission may enter into contracts with public,
2-46 private, and nonprofit organizations to produce the plan required
2-47 by Subsection (c) and the education program required by Subsection
2-48 (h).
2-49 SECTION 2. (a) Not later than September 1, 2020, the Texas
2-50 Commission on Environmental Quality and the Texas Economic
2-51 Development and Tourism Office shall prepare and deliver to the
2-52 governor and the Municipal Solid Waste Management and Resource
2-53 Recovery Advisory Council a progress report on the initial plan and
2-54 education program required under Section 361.0152, Health and
2-55 Safety Code, as added by this Act.
2-56 (b) Not later than September 1, 2021, the Texas Commission
2-57 on Environmental Quality and the Texas Economic Development and
2-58 Tourism Office shall complete and make publicly available the
2-59 initial plan and implement the education program required under
2-60 Section 361.0152, Health and Safety Code, as added by this Act.
2-61 SECTION 3. The Texas Economic Development and Tourism
2-62 Office in the office of the governor and the Texas Commission on
2-63 Environmental Quality are required to implement Sections
2-64 361.0152(c)-(g), Health and Safety Code, as added by this Act, only
2-65 if the legislature appropriates money specifically for that
2-66 purpose. If the legislature does not appropriate money
2-67 specifically for that purpose, the Texas Economic Development and
2-68 Tourism Office in the office of the governor and the Texas
2-69 Commission on Environmental Quality may, but are not required to,

3-1 implement those provisions of this Act using other appropriations
3-2 available for that purpose.

3-3 SECTION 4. This Act takes effect immediately if it receives
3-4 a vote of two-thirds of all the members elected to each house, as
3-5 provided by Section 39, Article III, Texas Constitution. If this
3-6 Act does not receive the vote necessary for immediate effect, this
3-7 Act takes effect September 1, 2019.

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