

BILL ANALYSIS

Senate Research Center

S.B. 1051
By: Truan
Natural Resources
3-31-97
As Filed

DIGEST

Currently, Section 361.162, Health and Safety Code, authorizes counties to delineate the areas of the county, outside of the boundaries or extraterritorial jurisdictions of cities, where solid waste disposal facilities may be located. This bill provides regulations regarding the validation of acts, proceedings, orders, and ordinances of certain counties regarding nonhazardous solid waste disposal.

PURPOSE

As proposed, S.B. 1051 provides regulations regarding the validation of acts, proceedings, orders, and ordinances of certain counties regarding nonhazardous solid waste disposal.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 28, V.T.C.S., by adding Article 974d-45, as follows:

Art. 974d-45. VALIDATION OF COUNTY ACTS AND PROCEEDINGS REGARDING NONHAZARDOUS SOLID WASTE DISPOSAL

Sec. 1. APPLICATION. Provides that this article applies only to a county with a population of 1,000 or less.

Sec. 2. MATTERS VALIDATED. Provides that the governmental acts, proceedings, orders, and ordinances of a county that occurred before January 1, 1997, regarding nonhazardous solid waste are validated on the dates they occurred. Prohibits the acts, proceedings, orders, and ordinances from being held invalid because they were not performed in accordance with the procedural requirements of Chapter 361, Health and Safety Code, or other law.

Sec. 3. EFFECT ON LITIGATION. Provides that this article does not apply to any matter than on the effective date of this article is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction or has been held invalid by a final judgment of a court of competent jurisdiction.

SECTION 2. Emergency clause.

Effective date: upon passage.