

BILL ANALYSIS

Senate Research Center
81R11815 JAM-F

S.B. 1659
By: Averitt et al.
Natural Resources
4/8/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 72nd Legislature, Regular Session, 1991, adopted a fee for the sale of lead-acid batteries which is deposited in the hazardous and solid waste remediation fee fund. Proceeds from this fee generate about half of the revenue held in the fund.

As proposed, S.B. 1659 authorizes the Texas Commission on Environmental Quality to use a portion of the money collected and deposited to the credit of the hazardous and solid waste remediation fee fund for expenses to cover costs of programs for remediation; to promote lead-acid battery recycling; to mitigate the economic, infrastructure, and environmental impact of lead-acid battery recycling activities on local governments; and to encourage the adoption of innovative technology in lead-acid battery recycling.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.133(c), Health and Safety Code, to authorize the Texas Natural Resource Conservation Commission (TNRCC) to use the money collected and deposited to the credit of the account under this section, including interest credited under Subsection (b)(4) (relating to an account consisting of money collected by TNRCC from the interest received from the investment of this account), only for expenses, not to exceed 20 percent annually of the fees on batteries collected under Section 361.138 (Fee on the Sale of Batteries), related to lead-acid battery recycling activities, including expenses for programs for remediation; to promote lead-acid battery recycling; to mitigate the economic, infrastructure, and environmental impact of lead-acid battery recycling activities on local governments; and to encourage the adoption of innovative technology in lead-acid battery recycling. Makes nonsubstantive changes.

SECTION 2. Requires the Texas Commission on Environmental Quality (TCEQ), during each fiscal year of the biennium ending August 31, 2011, to allocate to battery-related programs authorized under Section 361.133(c)(7) (relating to using money collected and deposited to the credit of the account for expenses related to lead-acid battery recycling activities), Health and Safety Code, as added by this Act, at least 10 percent of the fees on batteries collected under Section 361.138, Health and Safety Code, and appropriated to TCEQ.

SECTION 3. Effective date: September 1, 2009.