

BILL ANALYSIS

Senate Research Center
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S.B. 1081
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Government Organization
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

During the 78th Legislature, Regular Session, 2003, a recommendation was made by the House Committee on Government Reform to eliminate the Texas Recycling Market Development Board (board) and transfer its duties to the governor's office, the Texas Commission on Environmental Quality (TCEQ), and the Texas Building and Procurement Commission (TBPC). The recommendation was included in both H.B. 2 and S.B. 1952 but did not pass. However, S.B. 1091 passed, removing the General Land Office and the Department of Commerce as members of the board.

As proposed, S.B. 1081 eliminates the board and establishes joint coordination of recycling activities by TCEQ and TBPC, with the entities maintaining the functions and activities of the board. This change will make government more efficient, as these two agencies can coordinate recycling activities effectively without the board. The bill also amends Section 2155.48(a), Government Code, to eliminate its reference to the board.

RULEMAKING AUTHORITY

Rulemaking authority perviously granted to the Texas Building and Procurement Commission is modified in SECTION 1 (Section 2155.448, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2155.488(a), Government Code, to delete the requirement that the Texas Building and Procurement Commission (TBPC) coordinate with the Recycling Market Development Board in making certain rules.

SECTION 2. Amends Section 361.423, Health and Safety Code, as follows:

Sec. 361.423. New heading: RECYCLING MARKET DEVELOPMENT IMPLEMENTATION PROGRAM. (a) Requires the Texas Commission on Environmental Quality (TCEQ), TBPC, and other consenting state agencies as appropriate, rather than the Recycling Market Development Board (board), to regularly coordinate the recycling activities of state agencies and to each pursue an economic development strategy. Deletes existing text relating to the membership of the board and to the board providing support to recycling activities of member agencies. Makes nonsubstantive changes.

(b) Requires TCEQ and TBPC, rather than the board, to perform certain functions jointly, including analyzing or taking into consideration, rather than just analyzing, certain market development implications.

(c) Authorizes TCEQ and TBPC, rather than responsible agencies, to obtain certain research and development and technical assistance in carrying out this section.

SECTION 3. (a) Dissolves the board on the effective date of this Act.

(b) Transfers all functions and activities of the board to TCEQ and TBPC on the effective date of this Act. Provides that TCEQ and TBPC have all the duties and rights of the board as provided by law immediately before the effective date of this Act.

(c) Provides that the validity of an action taken by the board before the effective date of this Act is not affected by the dissolution of the board by this Act.

SECTION 4. Effective date: September 1, 2005.