

By: Cole

H.B. No. 2173

A BILL TO BE ENTITLED

AN ACT

relating to the provision of solid waste disposal services by certain counties; authorizing a fee; creating a criminal offense.

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

SECTION 1. Section 364.011(a-2), Health and Safety Code, is amended to read as follows:

(a-2) Notwithstanding Subsection (a), a commissioners court may, through a competitive bidding process, contract for the provision of solid waste collection, handling, storage, and disposal in an area of the county located within the extraterritorial jurisdiction of a municipality if:

(1) the municipality does not provide solid waste disposal services in that area; and

(2) the county:

(A) has a population of more than 1.5 million and at least 75 percent of the population resides in a single municipality; or

(B) has a population of less than 1.3 million and contains a municipality with a population of 750,000 or more.

SECTION 2. Section 791.037(b), Government Code, is amended to read as follows:

(b) This section applies only to a county:

(1) with a population of more than 1.5 million in which more than 75 percent of the population resides in a single

1 municipality; or

2 (2) with a population of less than 1.3 million that  
3 contains a municipality with a population of 750,000 or more.

4 SECTION 3. Sections 352.082(a) and (c), Local Government  
5 Code, are amended to read as follows:

6 (a) This section applies only to:

7 (1) the unincorporated area of a county:

8 (A) [~~(1)~~] that is adjacent to a county with a  
9 population of 3.3 million or more; and

10 (B) [~~(2)~~] in which a planned community is located  
11 that has 20,000 or more acres of land, that was originally  
12 established under the Urban Growth and New Community Development  
13 Act of 1970 (42 U.S.C. Section 4501 et seq.), and that is subject to  
14 restrictive covenants containing ad valorem or annual variable  
15 budget based assessments on real property; or

16 (2) the unincorporated area of a county:

17 (A) with a population of less than 1.3 million  
18 that contains a municipality with a population of 750,000 or more;  
19 and

20 (B) that offers solid waste disposal services to  
21 persons in its territory.

22 (c) A person commits an offense if the person intentionally  
23 or knowingly burns household refuse outdoors on a lot that is  
24 either:

25 (1) located in the unincorporated area of a county  
26 described by Subsection (a)(1) and:

27 (A) located in a neighborhood; or

1                    (B) [~~(2)~~] smaller than five acres; or  
2                    (2) located in the unincorporated area of a county  
3 described by Subsection (a)(2), if the commissioners court of the  
4 county has established a mandatory program under Section 364.034,  
5 Health and Safety Code, that benefits the lot.

6                    SECTION 4. The changes in law made by this Act apply only to  
7 an offense committed on or after the effective date of this Act. An  
8 offense committed before the effective date of this Act is governed  
9 by the law in effect when the offense was committed, and the former  
10 law is continued in effect for that purpose. For purposes of this  
11 section, an offense was committed before the effective date of this  
12 Act if any element of the offense occurred before that date.

13                    SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2023.