

By: McClendon

H.B. No. 2025

A BILL TO BE ENTITLED

AN ACT

relating to the implementation of county solid waste management programs.

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

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

(a) Subject to the limitation provided by Sections 361.151 and 361.152 (Solid Waste Disposal Act), a commissioners court by rule may regulate solid waste collection, handling, storage, and disposal in areas of the county not in a municipality [~~or the extraterritorial jurisdiction of a municipality~~].

(a-1) A commissioners court by rule may regulate solid waste collection, handling, storage, and disposal by establishing a mandatory program in an area located within the extraterritorial jurisdiction of a municipality only if:

(1) the area has a population density of more than 3,000 persons per square mile; and

(2) the commissioners court or the governing body of the municipality has determined that the area has an established problem with the illegal dumping of household garbage.

SECTION 2. Section 364.034(e), Health and Safety Code, is amended to read as follows:

(e) [~~Except as provided by Subsections (f), (g), and (h),~~

1 ~~this section does not apply to a person who provides the public or~~  
2 ~~private entity, public agency, or county with written documentation~~  
3 ~~that the person is receiving solid waste disposal services from~~  
4 ~~another entity. Nothing in this section shall limit the authority~~  
5 ~~of a public agency, including a county or a municipality, to enforce~~  
6 ~~its grant of a franchise or contract for solid waste collection and~~  
7 ~~transportation services within its territory.] Except as provided~~  
8 by Subsection (f), the governing body of a municipality may provide  
9 that a franchise it grants or a contract it enters into for solid  
10 waste collection and transportation services under this subchapter  
11 or under other law supersedes inside of the municipality's  
12 boundaries any other franchise granted or contract entered into  
13 under this subchapter.

14 SECTION 3. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2011.