

BILL ANALYSIS

H.B. 832
By: Giddings
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In recent years, Texas has seen a large number of cases of the West Nile virus, a disease that may be spread to humans by a bite from infected mosquitoes. There is increasing concern that homes that have been abandoned or foreclosed and that contain water features or swimming pools are a breeding ground for mosquitos carrying the disease.

Research has shown that one of the most effective treatments to eradicate mosquitoes carrying the disease is to treat stagnant water with larvicide. Interested parties contend that, in order to prevent the spread of this disease, counties and municipalities need authority to treat properties that have been abandoned or foreclosed. H.B. 832 seeks to provide counties and municipalities the authority to perform abatement of mosquitos in stagnant water located in certain uninhabited residential property.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 832 amends the Health and Safety Code to authorize a municipality, county, or other local health authority to abate, without notice, a public health nuisance relating to a collection of water in which mosquitoes are breeding that is located on residential property that is reasonably presumed to be abandoned or that is uninhabited due to foreclosure and that is an immediate danger to the health, life, or safety of any person. The bill authorizes a public official, agent, or employee charged with the enforcement of health, environmental, or safety laws to enter such a premises at a reasonable time to inspect, investigate, or abate the nuisance. The bill limits such abatement to the treatment with a mosquito larvicide of stagnant water in which mosquitoes are breeding. The bill requires the public official, agent, or employee to post on the front door of the residence a notice stating the following: the identity of the treating authority, the purpose and date of the treatment, a description of the areas of the property treated with larvicide, the type of larvicide used, and any known risks of the larvicide to humans or animals.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.