

BILL ANALYSIS

S.B. 186
By: Carona
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the summer of 2012, Texas saw a record number of cases of the West Nile virus, a disease spread to humans by a bite from infected mosquitoes. It was determined that homes that had been abandoned or foreclosed and that contained water features or pools were 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. In order to prevent the spread of this disease, counties and municipalities need authority to treat properties that have been abandoned or foreclosed.

S.B. 186 gives counties and municipalities the authority to treat stagnant water with a mosquito larvicide in properties that have been abandoned or foreclosed.

As proposed, S.B. 186 amends current law relating to the abatement of mosquitoes in stagnant water located on 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

SECTION 1. Amends Subchapter B, Chapter 341, Health and Safety Code, by adding Section 341.019, as follows:

Sec. 341.019. MOSQUITO CONTROL ON UNINHABITED RESIDENTIAL PROPERTY. (a) Authorizes a municipality, county, or other local health authority, notwithstanding any other law, to abate, without notice, a public health nuisance under Section 341.011(7) (relating to defining as a nuisance a collection of water where mosquitos are breeding) that:

(1) is located on residential property that is reasonably presumed to be abandoned or that is uninhabited due to foreclosure; and

(2) is an immediate danger to the health, life, or safety of any person.

(b) Authorizes a public official, agent, or employee charged with the enforcement of health, environmental, or safety laws to enter the premises described by Subsection (a) at a reasonable time to inspect, investigate, or abate the nuisance.

(c) Provides that abatement, in this section, is limited to the treatment with a mosquito larvicide of stagnant water in which mosquitos are breeding.

(d) Requires the public official, agent, or employee to post on the front door of the residence a notice stating certain information regarding the treatment.

SECTION 2. Effective date: upon passage or September 1, 2013.

EFFECTIVE DATE

September 1, 2013