

By: McClendon

H.B. No. 83

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the implementation of county solid waste management
3 programs in the extraterritorial jurisdiction of a municipality.

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

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

7 (a-1) A commissioners court by rule may regulate solid waste
8 collection, handling, storage, and disposal by establishing a
9 mandatory program under Section 364.034 in an area of the county
10 located within the extraterritorial jurisdiction of a municipality
11 if the municipality does not provide solid waste disposal services
12 in that area.

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

15 (a) A public agency or a county may:

16 (1) offer solid waste disposal service to persons in
17 its territory, including, in the case of a county, an area of the
18 county located within the extraterritorial jurisdiction of a
19 municipality if the municipality does not provide solid waste
20 disposal services in that area;

21 (2) require the use of the service by those persons;

22 (3) charge fees for the service; and

23 (4) establish the service as a utility separate from
24 other utilities in its territory.

1 SECTION 3. Subchapter C, Chapter 791, Government Code, is
2 amended by adding Section 791.036 to read as follows:

3 Sec. 791.036. SOLID WASTE DISPOSAL SERVICES. (a) In this
4 section, "solid waste" has the meaning assigned by Section 361.003,
5 Health and Safety Code.

6 (b) A county may contract with a municipality to provide,
7 directly or through a contract with another entity, solid waste
8 disposal services in an area of the county located within the
9 extraterritorial jurisdiction of the municipality if the
10 municipality does not provide solid waste disposal services in that
11 area.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.