

By: McClendon

H.B. No. 1516

A BILL TO BE ENTITLED

AN ACT

1
2 relating to solid waste services for rental property and solid
3 waste management programs in certain counties; providing a civil
4 penalty.

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

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

8 (a-1) A commissioners court by rule may regulate solid waste
9 collection, handling, storage, and disposal by establishing a
10 mandatory program under Section 364.034 in an area of the county
11 located within the extraterritorial jurisdiction of a municipality
12 if:

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

15 (2) the county has a population of more than 1.5
16 million in which at least 75 percent of the population resides in a
17 single municipality.

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

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

21 (1) offer solid waste disposal service to persons in
22 its territory, including, in the case of a county described by
23 Section 364.011(a-1)(2), an area of the county located within the
24 extraterritorial jurisdiction of a municipality if the

1 municipality does not provide solid waste disposal services in that
2 area;

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

4 (3) charge fees for the service; and

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

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

9 Sec. 791.036. SOLID WASTE DISPOSAL SERVICES IN CERTAIN
10 COUNTIES. (a) In this section, "solid waste" has the meaning
11 assigned by Section 361.003, Health and Safety Code.

12 (b) This section applies only to a county with a population
13 of more than 1.5 million in which more than 75 percent of the
14 population resides in a single municipality.

15 (c) A county may contract with a municipality to provide,
16 directly or through a contract with another entity, a mandatory
17 program for solid waste disposal services in an area of the county
18 located within the extraterritorial jurisdiction of the
19 municipality if the municipality does not provide solid waste
20 disposal services in that area.

21 (d) A mandatory solid waste disposal program provided under
22 a contract under this section does not apply to a private entity
23 that contracts to provide temporary solid waste disposal services
24 to a construction project.

25 SECTION 4. Subchapter A, Chapter 92, Property Code, is
26 amended by adding Section 92.0071 to read as follows:

27 Sec. 92.0071. SOLID WASTE SERVICES REQUIRED IN

1 UNINCORPORATED AREAS OF CERTAIN COUNTIES. (a) In this section,
2 "garbage" and "rubbish" have the meanings assigned by Section
3 361.003, Health and Safety Code.

4 (b) This section applies only to a county with a population
5 of more than 1.5 million in which at least 75 percent of the
6 population resides in a single municipality.

7 (c) A landlord of two or more leased dwellings located in
8 the unincorporated area of a county must:

9 (1) notify the county that the landlord has two or more
10 leased dwellings located in the unincorporated area of a county and
11 provide the addresses of the dwellings and the landlord to the
12 county; and

13 (2) provide solid waste services for the collection,
14 transportation, and disposal of garbage and rubbish from each
15 dwelling.

16 (d) On request by the county, the landlord must provide the
17 county with documentation showing that solid waste services for
18 each dwelling are being provided.

19 (e) A provision of a lease that purports to waive a right or
20 to exempt a party from a liability or duty under this section is
21 void.

22 (f) The commissioners court of a county may adopt orders to
23 enforce this section, which may include establishing a civil or
24 administrative fine.

25 SECTION 5. (a) Except as provided by Subsection (b) of
26 this section, this Act takes effect immediately if it receives a
27 vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.

4 (b) Section 92.0071, Property Code, as added by this Act,
5 takes effect January 1, 2014.