

BILL ANALYSIS

C.S.H.B. 1584
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Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a county is limited in its ability to provide solid waste services in the extraterritorial jurisdiction of a municipality and that some municipalities have taken the position that they possess no authority or obligation to regulate or provide such services beyond their corporate limits. The parties contend that this could mean that an extraterritorial jurisdiction area goes unserved and may result in increased pollution, illegal dumping, trash burning, and a general threat to public health and safety. C.S.H.B. 1584 seeks to address this issue by providing for certain regulation of solid waste by certain counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1584 amends the Health and Safety Code to authorize the commissioners court of a county that is adjacent to the United Mexican States, has a population of less than 300,000, and contains a municipality with a population of 200,000 or more by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory solid waste disposal service program in an area of the county located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal services in that area. The bill exempts a person from being required to use such solid waste disposal services offered by a county to persons in an area of the county located within the extraterritorial jurisdiction of a municipality if the person contracts for solid waste disposal services with a provider that meets rules adopted by the Texas Commission on Environmental Quality for the regulation of solid waste disposal or if the person is a private entity that contracts to provide temporary solid waste disposal services to a construction site or project by furnishing a roll-off container used to transport construction waste or demolition debris to a facility for disposal or recycling. The exemption expressly does not affect the authority of a governmental entity to pursue actions under Texas Litter Abatement Act provisions relating to certain prohibited actions to address illegal dumping.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1584 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 364.011(a), Health and Safety Code, is amended 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 the unincorporated area [areas] of the county, including [not in a municipality or] the extraterritorial jurisdiction of a municipality.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

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), and subject to Subsection (a-1), 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 under Section 364.034 in an area of the county located within the extraterritorial jurisdiction of a municipality if:

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

(2) the county:

(A) is adjacent to the United Mexican States;

(B) has a population of less than 300,000; and

(C) contains a municipality with a population of 200,000 or more.

SECTION 2. Section 364.034, Health and Safety Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Notwithstanding Subsection (a)(2), a person is not required to use solid waste disposal services offered by a county, as authorized under Section 364.011(a-1), to persons in an area of the county located within the extraterritorial jurisdiction of a municipality if:

(1) the person contracts for solid waste disposal services with a provider that meets rules adopted by the commission for the regulation of solid waste disposal; or

(2) the person is a private entity that contracts to provide temporary solid waste disposal services to a construction site or project by furnishing a roll-off container used to transport construction waste or demolition debris to a facility for disposal or recycling.

(a-2) Subsection (a-1) does not affect the authority of a governmental entity to pursue actions under Subchapter B, Chapter 365, to address illegal dumping.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 3. The changes in law made by this Act apply only to a contract for private solid waste collection, handling, storage, or disposal entered into on or after the effective date of this Act. A contract for private solid waste collection, handling, storage, or disposal entered into before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.