

By: Gervin-Hawkins

H.B. No. 2763

Substitute the following for H.B. No. 2763:

By: Pickett

C.S.H.B. No. 2763

A BILL TO BE ENTITLED

1 AN ACT

2 relating to solid waste services and solid waste management  
3 programs in the extraterritorial jurisdiction of municipalities in  
4 certain counties; authorizing penalties.

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) Notwithstanding Subsection (a), a commissioners court  
9 may, through a competitive bidding process, contract for the  
10 provision of solid waste collection, handling, storage, and  
11 disposal in an area of the county located within the  
12 extraterritorial jurisdiction of a municipality 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 and at least 75 percent of the population resides in a  
17 single municipality.

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

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

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

1 extraterritorial jurisdiction of a municipality if the  
2 municipality does not provide solid waste disposal services in that  
3 area;

4 (2) require the use of the service by those persons,  
5 except as provided by Subsection (a-1);

6 (3) charge fees for the service; and

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

9 (a-1) Notwithstanding Subsection (a)(2), a person is not  
10 required to use solid waste disposal services offered by a county to  
11 persons in an area of the county located within the  
12 extraterritorial jurisdiction of a municipality that does not  
13 provide solid waste disposal services in that area if:

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

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

22 (a-2) Subsection (a-1) does not affect the authority of a  
23 governmental entity to pursue actions under Subchapter B, Chapter  
24 365, to address illegal dumping.

25 SECTION 3. Subchapter C, Chapter 364, Health and Safety  
26 Code, is amended by adding Section 364.0345 to read as follows:

27 Sec. 364.0345. PENALTIES FOR FAILURE TO USE REQUIRED

1 SERVICE IN CERTAIN AREAS. The commissioners court of a county  
2 described by Section 364.011(a-1)(2) that requires the use of a  
3 county solid waste disposal service under Section 364.034 in the  
4 extraterritorial jurisdiction of a municipality may adopt orders to  
5 enforce the requirement, including an order establishing a civil or  
6 administrative penalty in an amount reasonable and necessary to  
7 ensure compliance with the requirement.

8 SECTION 4. Subchapter C, Chapter 791, Government Code, is  
9 amended by adding Section 791.037 to read as follows:

10 Sec. 791.037. SOLID WASTE DISPOSAL SERVICES IN CERTAIN  
11 COUNTIES. (a) In this section, "solid waste" has the meaning  
12 assigned by Section 361.003, Health and Safety Code.

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

16 (c) A county may contract with a municipality to provide,  
17 directly or through a contract with another entity, a mandatory  
18 program under Section 364.034, Health and Safety Code, for solid  
19 waste disposal services in an area of the county located within the  
20 extraterritorial jurisdiction of the municipality if the  
21 municipality does not provide solid waste disposal services in that  
22 area.

23 (d) A contract under this section must include provisions  
24 regarding the termination of the county's provision of service on  
25 the occurrence of certain contingencies, including the annexation  
26 of the area covered by the contract by the municipality or the  
27 provision of service to the area by the municipality.

1           SECTION 5. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2017.