

By: Gervin-Hawkins

H.B. No. 2763

A BILL TO BE ENTITLED

1 AN ACT

2 relating to solid waste services for rental property and solid  
3 waste management programs in the extraterritorial jurisdiction of  
4 municipalities in 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) 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 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 791, Government Code, is  
26 amended by adding Section 791.037 to read as follows:

27 Sec. 791.037. SOLID WASTE DISPOSAL SERVICES IN CERTAIN

1 COUNTIES. (a) In this section, "solid waste" has the meaning  
2 assigned by Section 361.003, Health and Safety Code.

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

6 (c) A county may contract with a municipality to provide,  
7 directly or through a contract with another entity, a mandatory  
8 program under Section 364.034, Health and Safety Code, for solid  
9 waste disposal services in an area of the county located within the  
10 extraterritorial jurisdiction of the municipality if the  
11 municipality does not provide solid waste disposal services in that  
12 area.

13 (d) A contract under this section must include provisions  
14 regarding the termination of the county 's provision of service on  
15 the occurrence of certain contingencies, including the annexation  
16 of the area covered by the contract by the municipality or the  
17 provision of service to the area by the municipality.

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

20 Sec. 92.0071. SOLID WASTE SERVICES REQUIRED IN CERTAIN  
21 AREAS OF CERTAIN COUNTIES. (a) In this section, "garbage" and  
22 "rubbish" have the meanings assigned by Section 361.003, Health and  
23 Safety Code.

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

27 (c) A landlord of two or more leased dwellings located in

1 the extraterritorial jurisdiction of a municipality located in the  
2 county must:

3 (1) notify the county that the landlord has two or more  
4 leased dwellings located in the extraterritorial jurisdiction of  
5 the municipality and provide the addresses of the dwellings and the  
6 landlord to the county; and

7 (2) provide solid waste services for the collection,  
8 transportation, and disposal of garbage and rubbish from each  
9 dwelling by using the solid waste disposal services offered by the  
10 county, if any, or by contracting for the services with a provider  
11 that meets rules adopted by the Texas Commission on Environmental  
12 Quality for the regulation of solid waste disposal.

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

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

19 (f) The commissioners court of the county may adopt orders  
20 to enforce this section, including an order establishing a civil or  
21 administrative penalty.

22 SECTION 5. (a) Except as provided by Subsection (b) of this  
23 section, this Act takes effect immediately if it receives a vote of  
24 two-thirds of all the members elected to each house, as provided by  
25 Section 39, Article III, Texas Constitution. If this Act does not  
26 receive the vote necessary for immediate effect, this Act takes  
27 effect September 1, 2017.

H.B. No. 2763

1           (b) Section 92.0071, Property Code, as added by this Act,  
2 takes effect January 1, 2018.