

AN ACT

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

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

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

(a-1) Notwithstanding Subsection (a), a commissioners court may, through a competitive bidding process, contract for the provision of solid waste collection, handling, storage, and disposal 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 has a population of more than 1.5 million and at least 75 percent of the population resides in a single municipality.

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

(a) A public agency or a county may:

(1) offer solid waste disposal service to persons in its territory, including, in the case of a county described by 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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1229 passed the Senate on April 26, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1229 passed the House on May 9, 2017, by the following vote: Yeas 144, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor