

1-1 By: Menéndez S.B. No. 1229
1-2 (In the Senate - Filed March 2, 2017; March 9, 2017, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; March 30, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 March 30, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1229 By: Menéndez

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to solid waste services for rental property and solid
1-20 waste management programs in the extraterritorial jurisdiction of
1-21 municipalities in certain counties; authorizing penalties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 364.011, Health and Safety Code, is
1-24 amended by adding Subsection (a-1) to read as follows:

1-25 (a-1) Notwithstanding Subsection (a), a commissioners court
1-26 may, through a competitive bidding process, contract for the
1-27 provision of solid waste collection, handling, storage, and
1-28 disposal in an area of the county located within the
1-29 extraterritorial jurisdiction of a municipality if:

1-30 (1) the municipality does not provide solid waste
1-31 disposal services in that area; and

1-32 (2) the county has a population of more than 1.5
1-33 million and at least 75 percent of the population resides in a
1-34 single municipality.

1-35 SECTION 2. Section 364.034, Health and Safety Code, is
1-36 amended by amending Subsection (a) and adding Subsections (a-1) and
1-37 (a-2) to read as follows:

1-38 (a) A public agency or a county may:

1-39 (1) offer solid waste disposal service to persons in
1-40 its territory, including, in the case of a county described by
1-41 Section 364.011(a-1)(2), an area of the county located within the
1-42 extraterritorial jurisdiction of a municipality if the
1-43 municipality does not provide solid waste disposal services in that
1-44 area;

1-45 (2) require the use of the service by those persons,
1-46 except as provided by Subsection (a-1);

1-47 (3) charge fees for the service; and

1-48 (4) establish the service as a utility separate from
1-49 other utilities in its territory.

1-50 (a-1) Notwithstanding Subsection (a)(2), a person is not
1-51 required to use solid waste disposal services offered by a county to
1-52 persons in an area of the county located within the
1-53 extraterritorial jurisdiction of a municipality that does not
1-54 provide solid waste disposal services in that area if:

1-55 (1) the person contracts for solid waste disposal
1-56 services with a provider that meets rules adopted by the commission
1-57 for the regulation of solid waste disposal; or

1-58 (2) the person is a private entity that contracts to
1-59 provide temporary solid waste disposal services to a construction
1-60 site or project by furnishing a roll-off container used to

2-1 transport construction waste or demolition debris to a facility for
2-2 disposal or recycling.

2-3 (a-2) Subsection (a-1) does not affect the authority of a
2-4 governmental entity to pursue actions under Subchapter B, Chapter
2-5 365, to address illegal dumping.

2-6 SECTION 3. Subchapter C, Chapter 791, Government Code, is
2-7 amended by adding Section 791.037 to read as follows:

2-8 Sec. 791.037. SOLID WASTE DISPOSAL SERVICES IN CERTAIN
2-9 COUNTIES. (a) In this section, "solid waste" has the meaning
2-10 assigned by Section 361.003, Health and Safety Code.

2-11 (b) This section applies only to a county with a population
2-12 of more than 1.5 million in which more than 75 percent of the
2-13 population resides in a single municipality.

2-14 (c) A county may contract with a municipality to provide,
2-15 directly or through a contract with another entity, a mandatory
2-16 program under Section 364.034, Health and Safety Code, for solid
2-17 waste disposal services in an area of the county located within the
2-18 extraterritorial jurisdiction of the municipality if the
2-19 municipality does not provide solid waste disposal services in that
2-20 area.

2-21 (d) A contract under this section must include provisions
2-22 regarding the termination of the county's provision of service on
2-23 the occurrence of certain contingencies, including the annexation
2-24 of the area covered by the contract by the municipality or the
2-25 provision of service to the area by the municipality.

2-26 SECTION 4. Subchapter A, Chapter 92, Property Code, is
2-27 amended by adding Section 92.0071 to read as follows:

2-28 Sec. 92.0071. SOLID WASTE SERVICES REQUIRED IN CERTAIN
2-29 AREAS OF CERTAIN COUNTIES. (a) In this section, "garbage" and
2-30 "rubbish" have the meanings assigned by Section 361.003, Health and
2-31 Safety Code.

2-32 (b) This section applies only to a county with a population
2-33 of more than 1.5 million in which at least 75 percent of the
2-34 population resides in a single municipality.

2-35 (c) A landlord of two or more leased dwellings located in
2-36 the extraterritorial jurisdiction of a municipality located in the
2-37 county must:

2-38 (1) notify the county that the landlord has two or more
2-39 leased dwellings located in the extraterritorial jurisdiction of
2-40 the municipality and provide the addresses of the dwellings and the
2-41 landlord to the county; and

2-42 (2) provide solid waste services for the collection,
2-43 transportation, and disposal of garbage and rubbish from each
2-44 dwelling by using the solid waste disposal services offered by the
2-45 county, if any, or by contracting for the services with a provider
2-46 that meets rules adopted by the Texas Commission on Environmental
2-47 Quality for the regulation of solid waste disposal.

2-48 (d) On request by the county, the landlord must provide the
2-49 county with documentation showing that solid waste services for
2-50 each dwelling are being provided.

2-51 (e) A provision of a lease that purports to waive a right or
2-52 to exempt a party from a liability or duty under this section is
2-53 void.

2-54 (f) The commissioners court of the county may adopt orders
2-55 to enforce this section, including an order establishing a civil or
2-56 administrative penalty.

2-57 SECTION 5. (a) Except as provided by Subsection (b) of
2-58 this section, this Act takes effect immediately if it receives a
2-59 vote of two-thirds of all the members elected to each house, as
2-60 provided by Section 39, Article III, Texas Constitution. If this
2-61 Act does not receive the vote necessary for immediate effect, this
2-62 Act takes effect September 1, 2017.

2-63 (b) Section 92.0071, Property Code, as added by this Act,
2-64 takes effect January 1, 2018.

2-65 * * * * *