

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1229
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Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently in the City of San Antonio's extraterritorial jurisdiction (ETJ), solid waste disposal services are voluntary for residents, leading to unwanted conditions in neighborhoods. Trash and debris fill streets bringing along rat and roach infestations. An elementary school in one of these trash ridden areas stopped letting kids play outside during recess because of rats in the playground. Animals, safety, and health concerns stem from lack of solid waste disposal services in these communities. In the Camelot II neighborhood within San Antonio's ETJ, homes dominated by derelict landlords have streets and alleys that have been lined with mounds of waste in which children play.

According to a 2013 attorney general opinion by then attorney general Greg Abbott, Section 364.034, Health and Safety Code, authorizes a county to provide mandatory solid waste disposal services in its territory; however, Section 364.011 limits that authority by denying a county authority to regulate in a municipality's ETJ. S.B. 1229 enables the commissioners court to establish a mandatory solid waste disposal program in an area of the county located within the ETJ of a municipality.

The commissioners court shall contract for solid waste disposal services through a competitive bid process. These residents who live outside of these city limits will have access to the same trash pickup service as those in the city. The bill is only applicable in counties with over 1.5 million in population, 75 percent of whom are in a single municipality. There are a number of exceptions to county mandatory trash pickup. These could include the person having their own contract for solid waste pickup, being a private entity at a construction site that contracts for roll-off container service, or terminating solid waste pickup due to the area being annexed. The bill also creates a process for the commissioners court to require landlords with two or more leased dwellings to register with the county. The landlords must include in their lease agreement a provision to provide solid waste pickup.

C.S.S.B. 1229 amends current law relating to solid waste services for rental property and solid waste management programs in the extraterritorial jurisdiction of municipalities in certain counties, and authorizes penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(a-1) Authorizes a commissioners court, notwithstanding Subsection (a) (relating to authorizing a commissioners court by rule to regulate solid waste collection), through a competitive bidding process, to 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 the municipality does not provide solid waste disposal

services in that area and 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. Amends Section 364.034, Health and Safety Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Authorizes a public agency or a county to:

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

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

(3) and (4) makes no changes to these subdivisions.

(a-1) Provides that notwithstanding Subsection (a)(2), a person is not required to use solid waste disposal services offered by a county to persons in an area of the county located within the extraterritorial jurisdiction of a municipality that does not provide solid waste disposal if the person contracts for solid waste disposal services with a provider that meets rules adopted by the Texas Health and Human Services Commission (HHSC) for the regulation of solid waste disposal; or 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) Provides that Subsection (a-1) does not affect the authority of a governmental entity to pursue actions under Subchapter B (Certain Actions Prohibited), Chapter 365 (Litter), to address illegal dumping.

SECTION 3. Amends Subchapter C, Chapter 791, Government Code, by adding Section 791.037, as follows:

Sec. 791.037. SOLID WASTE DISPOSAL SERVICES IN CERTAIN COUNTIES. (a) Defines "solid waste."

(b) Provides that this section applies only to a county with a population of more than 1.5 million in which more than 75 percent of the population resides in a single municipality.

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

(d) Requires that a contract under this section include provisions regarding the termination of the county's provision of service on the occurrence of certain contingencies, including the annexation of the area covered by the contract by the municipality or the provision of service to the area by the municipality.

SECTION 4. Amends Subchapter A, Chapter 92, Property Code, by adding Section 92.0071, as follows:

Sec. 92.0071. SOLID WASTE SERVICES REQUIRED IN CERTAIN AREAS OF CERTAIN COUNTIES. (a) Defines "garbage" and "rubbish."

(b) Provides that this section applies only to a county with a population of more than 1.5 million in which more than 75 percent of the population resides in a single municipality.

(c) Requires a landlord of two or more leased dwellings located in the extraterritorial jurisdiction of a municipality located in the county to provide certain notification to the county and provide certain solid waste services.

(d) Requires the landlord, on request by the county, to provide the county with documentation showing that solid waste services for each dwelling are being provided.

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

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

SECTION 5. (a) Effective date, except as provided by Subsection (b): upon passage or September 1, 2017.

(b) Effective date, Section 92.0071, Property Code, as added by this Act: January 1, 2018.