

AN ACT

relating to the implementation of county solid waste management programs in certain counties.

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

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

(a) Subject to the limitation provided by Sections 361.151 and 361.152 (Solid Waste Disposal Act), and subject to Subsection (a-1), a commissioners court by rule may regulate solid waste collection, handling, storage, and disposal in areas of the county not in a municipality or the extraterritorial jurisdiction of a municipality.

(a-1) A commissioners court by rule may regulate solid waste collection, handling, storage, and disposal by establishing a mandatory program under Section 364.034 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:

(A) is adjacent to the United Mexican States;

(B) has a population of less than 300,000; and

(C) contains a municipality with a population of

1 200,000 or more.

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

4 (a-1) Notwithstanding Subsection (a)(2), a person is not
5 required to use solid waste disposal services offered by a county,
6 as authorized under Section 364.011(a-1), to persons in an area of
7 the county located within the extraterritorial jurisdiction of a
8 municipality if:

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

12 (2) the person is a private entity that contracts to
13 provide temporary solid waste disposal services to a construction
14 site or project by furnishing a roll-off container used to
15 transport construction waste or demolition debris to a facility for
16 disposal or recycling.

17 (a-2) Subsection (a-1) does not affect the authority of a
18 governmental entity to pursue actions under Subchapter B, Chapter
19 365, to address illegal dumping.

20 SECTION 3. The changes in law made by this Act apply only to
21 a contract for private solid waste collection, handling, storage,
22 or disposal entered into on or after the effective date of this Act.
23 A contract for private solid waste collection, handling, storage,
24 or disposal entered into before the effective date of this Act is
25 governed by the law in effect immediately before the effective date
26 of this Act, and that law is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1584 was passed by the House on April 20, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1584 was passed by the Senate on May 12, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor