

BILL ANALYSIS

S.B. 1229
By: Menéndez
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties note that in unincorporated areas in some counties, such as Bexar County, solid waste services are voluntary, which can lead to unwanted proliferation of trash and debris in neighborhoods. S.B. 1229 seeks to address this issue by providing for solid waste management programs in the extraterritorial jurisdiction of municipalities in certain counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1229 amends the Health and Safety Code to authorize a commissioners court to contract through a competitive bidding process 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. The bill exempts a person from being 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 services in that area if the person contracts for solid waste disposal services with a provider that meets rules adopted by the Texas Commission on Environmental Quality (TCEQ) for the regulation of solid waste disposal or if 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. The bill establishes that such exemption does not affect the authority of a governmental entity to pursue certain actions under the Texas Litter Abatement Act to address illegal dumping.

S.B. 1229 authorizes the commissioners court of a county that has a population of more than 1.5 million and at least 75 percent of the population resides in a single municipality that requires the use of a county solid waste disposal service in the extraterritorial jurisdiction of a municipality to adopt orders to enforce the requirement, including an order establishing a civil or administrative penalty in an amount reasonable and necessary to ensure compliance with the requirement.

S.B. 1229 amends the Government Code to authorize 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 to contract with a municipality to provide, directly or through a contract with another entity, a

mandatory program 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. The bill requires the contract to 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.