

BILL ANALYSIS

Senate Research Center
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S.B. 1869
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As made clear in Attorney General Opinion GA-0988, a county may not provide mandatory solid waste services in a municipality's extraterritorial jurisdiction (ETJ) unless the county is permitted to provide those services through a cooperative agreement with the municipality. According to Webb County, however, some municipalities such as Laredo have taken the position that they also possess no authority or obligation to regulate or provide solid waste disposal services beyond their corporate limits, and thus are hesitant or opposed to entering into any agreement that implies any such authority or obligation to the ETJ area. Unfortunately, when a municipality refuses to enter into such an agreement, the ETJ area often goes unserved, resulting in increased pollution, illegal dumping, trash burning, and a general threat to public health and safety, particularly when no private waste haulers are available in the area.

S.B. 1869 authorizes the Webb County Commissioners Court, by rule, to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory program within the extraterritorial jurisdiction of a municipality if the municipality does not provide solid waste disposal services in that area.

As proposed, S.B. 1869 amends current law relating to the implementation of county solid waste management programs in certain counties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a commissioner courts in SECTION 1 (Section 364.011, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

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

(a) Authorizes a commissioners court by rule, subject to the limitation provided by Sections 361.151 (Relationship of County Authority to State Authority) and 361.152 (Limitation on County Powers Concerning Industrial Solid Waste) (Solid Waste Disposal Act), and subject to Subsection (a-1), to 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) Authorizes a commissioners court by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory program under Section 364.034 (Solid Waste Disposal Service; Fees) 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 is adjacent to the United Mexican States, has a population of less than 300,000, and contains a municipality with a population of 200,000 or more.

SECTION 2. Effective date: upon passage or September 1, 2017.