

- SUBJECT:** Solid waste collection in the extraterritorial jurisdiction of certain cities
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 9 ayes — Harless, Márquez, Isaac, Kacal, Lewis, Reynolds, E. Thompson, C. Turner, Villalba
- 0 nays
- WITNESSES:** For — David Mintz, Texas Apartment Association; Andrew Winter, Bexar County; (*Registered, but did not testify:* Allen Beinke, San Antonio River Authority; Janice Gray, Emily Grundmann, Karin Ritenour, and Geraldine Schmoker, Montgomery Neighborhood Association; Shannon McDonald, Texas Conference of Urban Counties, Seth Mitchell, Bexar County; Tom “Smitty” Smith, Public Citizen)
- Against — Steve Carr; Republic Services; Chris Macomb, Waste Management of Texas, Inc. (*Registered, but did not testify:* Stephen Minick, Texas Association of Business)
- On — Earl Lott, Texas Commission on Environmental Quality; Scott Norman, Texas Association of Builders
- DIGEST:** CSHB 1516 would allow the county described by the bill (Bexar County) to adopt rules to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory program under Health and Safety Code, sec 364.034 in an area of the county located within the extraterritorial jurisdiction of a city that did not provide service in that area. The county could require persons in such an area to use the solid waste service, except for those who contracted for service with another provider.
- The bill would allow for Bexar County to contract with a city to provide solid waste services in a city’s extraterritorial jurisdiction. The county’s mandatory program would not apply to temporary waste disposal service to a construction site, and governmental authorities would maintain their ability to pursue actions to address illegal dumping. The contract would be required to contain termination provisions for contingencies, including annexation of the area covered by the contract.

The bill would require a landlord of two or more leased dwellings in a city's extraterritorial jurisdiction in Bexar County to provide the addresses of those dwellings to the county and provide for solid waste services either through participation in the county's mandatory program or by contracting with another solid waste collector. Upon request, the landlord would have to provide proof to the county that solid waste services were being provided for each dwelling. The bill would void a provision of a lease that purported to waive a right to exempt a party from liability or duty for solid waste collection.

The Bexar County Commissioners Court could adopt orders to enforce the requirement that landlords of two or more dwellings provide solid waste services, and the bill would allow for the court to establish a civil or administrative penalty.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013. Its provisions relating to landlords of two or more dwellings would take effect on January 1, 2014.

**SUPPORTERS
SAY:**

CSHB 1516 would provide a solution to longstanding problems facing neighborhoods in the extraterritorial jurisdiction of some cities in Bexar County where some residents and landlords refuse to pay for solid waste service. Some residents and others dump trash in the neighborhoods, which creates a significant health hazard. By requiring the provision of trash service in extraterritorial jurisdictions, CSHB 1516 would enhance property values in these neighborhoods.

The bill would protect the rights of existing providers of solid waste services by maintaining their ability to contract to provide the services. For residents that did not contract for services, the county could contract either with a city or a private provider of solid waste service for trash pickup.

The bill would provide clarity to existing law about extraterritorial jurisdiction and would not change the county's authority in areas outside the extraterritorial jurisdictions.

**OPPONENTS
SAY:**

The bill is unnecessary and could infringe on the rights of solid waste service providers or could undercut those rights in the future. State law

already allows for the county to contract for solid waste services, while also allowing the county to charge residents a mandatory fee for the service.