

By: Swinford

H.B. No. 2036

Substitute the following for H.B. No. 2036:

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C.S.H.B. No. 2036

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to allowing certain political subdivisions to enter  
3 agreements with other political subdivisions for the collection of  
4 past due amounts for certain utility or waste disposal services.

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

6 SECTION 1. Subchapter Z, Chapter 402, Local Government  
7 Code, is amended by adding Section 402.910 to read as follows:

8 Sec. 402.910. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS  
9 FOR COLLECTION OF PAST DUE UTILITY OR SOLID WASTE DISPOSAL SERVICE  
10 FEES. (a) A municipality that operates a utility system, as  
11 defined by Section 402.001, or provides solid waste disposal  
12 services may enter an agreement for the collection of unpaid  
13 utility charges or solid waste disposal services fees with:

14 (1) another municipality that operates a utility  
15 system;

16 (2) a county or public agency that provides solid  
17 waste disposal services; or

18 (3) another political subdivision acting on behalf of  
19 a municipality, county, or public agency to assist in the  
20 collection of unpaid utility charges or solid waste disposal fees.

21 (b) The agreement may provide that a municipality:

22 (1) may refuse to provide utility service to a person  
23 if the person is past due on utility charges or solid waste disposal  
24 services fees owed to another party to the agreement; or

1           (2) may collect an amount equal to the past due utility  
2 charges or solid waste disposal services fees owed to another party  
3 to the agreement plus a service charge and provide the utility  
4 service the person requests.

5           (c) The agreement shall provide for:

6           (1) the confidentiality of a person's utility or solid  
7 waste disposal account information and the prevention of disclosure  
8 to a person or other entity that is not a party to the agreement; and

9           (2) the apportionment of any past due charges, fees,  
10 and service charges authorized by Subsection (b)(2) between the  
11 collecting entity and the entity to which the fees are owed.

12           SECTION 2. Section 364.034(e), Health and Safety Code, is  
13 amended to read as follows:

14           (e) This section does not apply to a person who provides the  
15 public or private entity, public agency other than a municipality,  
16 or county with written documentation that the person is receiving  
17 solid waste disposal services from another entity. Nothing in this  
18 subsection shall limit the authority of a municipality under  
19 Section 364.031 or this section to contract with another public  
20 agency, private contractor for the other public agency, or private  
21 contractor to provide all or some solid waste disposal services to  
22 persons in its territory.

23           SECTION 3. Subchapter C, Chapter 364, Health and Safety  
24 Code, is amended by adding Section 364.037 to read as follows:

25           Sec. 364.037. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS  
26 FOR COLLECTION OF PAST DUE UTILITY OR SOLID WASTE DISPOSAL SERVICES  
27 FEES. (a) A county or public agency that offers solid waste

1 disposal services under this subchapter may enter an agreement for  
2 the collection of unpaid utility or solid waste disposal services  
3 fees with:

4 (1) another county or public agency that provides  
5 solid waste disposal services under this subchapter;

6 (2) a municipality that operates a utility system, as  
7 defined by Section 402.001, Local Government Code; or

8 (3) another political subdivision acting on behalf of  
9 a municipality, county, or public agency to assist in the  
10 collection of unpaid utility charges or solid waste disposal fees.

11 (b) The agreement may provide that a county or public  
12 agency:

13 (1) may refuse to provide solid waste disposal  
14 services to a person if the person is past due on utility charges or  
15 solid waste disposal services fees owed to another party to the  
16 agreement; or

17 (2) may collect an amount equal to the past due utility  
18 charges or solid waste disposal services fees owed to another party  
19 to the agreement plus a service charge and provide the solid waste  
20 disposal services the person requests.

21 (c) The agreement shall provide for:

22 (1) the confidentiality of a person's utility or solid  
23 waste disposal account information and the prevention of disclosure  
24 to a person or other entity that is not a party to the agreement; and

25 (2) the apportionment of any past due charges, fees,  
26 and service charges authorized by Subsection (b)(2) between the  
27 collecting entity and the entity to which the fees are owed.

1           SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2003.