

1-1 By: Swinford (Senate Sponsor - Bivins) H.B. No. 2036  
1-2 (In the Senate - Received from the House April 28, 2003;  
1-3 May 1, 2003, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 22, 2003, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2036 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to allowing certain political subdivisions to enter  
1-11 agreements with other political subdivisions for the collection of  
1-12 past due amounts for certain utility or waste disposal services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter Z, Chapter 402, Local Government  
1-15 Code, is amended by adding Section 402.910 to read as follows:

1-16 Sec. 402.910. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS  
1-17 FOR COLLECTION OF PAST DUE UTILITY OR SOLID WASTE DISPOSAL SERVICE  
1-18 FEES. (a) A municipality that operates a utility system, as  
1-19 defined by Section 402.001, or provides solid waste disposal  
1-20 services may enter an agreement for the collection of unpaid  
1-21 utility charges or solid waste disposal services fees with:

1-22 (1) another municipality that operates a utility  
1-23 system;

1-24 (2) a county or public agency that provides solid  
1-25 waste disposal services; or

1-26 (3) another political subdivision acting on behalf of  
1-27 a municipality, county, or public agency to assist in the  
1-28 collection of unpaid utility charges or solid waste disposal fees.

1-29 (b) The agreement may provide that a municipality:

1-30 (1) may refuse to provide utility service to a person  
1-31 if the person is past due on utility charges or solid waste disposal  
1-32 services fees owed to another party to the agreement; or

1-33 (2) may collect an amount equal to the past due utility  
1-34 charges or solid waste disposal services fees owed to another party  
1-35 to the agreement plus a service charge and provide the utility  
1-36 service the person requests.

1-37 (c) The agreement shall provide for:

1-38 (1) the confidentiality of a person's utility or solid  
1-39 waste disposal account information and the prevention of disclosure  
1-40 to a person or other entity that is not a party to the agreement; and

1-41 (2) the apportionment of any past due charges, fees,  
1-42 and service charges authorized by Subsection (b)(2) between the  
1-43 collecting entity and the entity to which the fees are owed.

1-44 SECTION 2. Section 364.034(e), Health and Safety Code, is  
1-45 amended to read as follows:

1-46 (e) This section does not apply to a person who provides the  
1-47 public or private entity, public agency, or county with written  
1-48 documentation that the person is receiving solid waste disposal  
1-49 services from another entity. Nothing in this section shall limit  
1-50 the authority of a municipality to enforce its grant of a franchise  
1-51 for solid waste collection and transportation services within its  
1-52 territory.

1-53 SECTION 3. Subchapter C, Chapter 364, Health and Safety  
1-54 Code, is amended by adding Section 364.037 to read as follows:

1-55 Sec. 364.037. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS  
1-56 FOR COLLECTION OF PAST DUE UTILITY OR SOLID WASTE DISPOSAL SERVICES  
1-57 FEES. (a) A county or public agency that offers solid waste  
1-58 disposal services under this subchapter may enter an agreement for  
1-59 the collection of unpaid utility or solid waste disposal services  
1-60 fees with:

1-61 (1) another county or public agency that provides  
1-62 solid waste disposal services under this subchapter;

1-63 (2) a municipality that operates a utility system, as

2-1 defined by Section 402.001, Local Government Code; or  
2-2 (3) another political subdivision acting on behalf of  
2-3 a municipality, county, or public agency to assist in the  
2-4 collection of unpaid utility charges or solid waste disposal fees.

2-5 (b) The agreement may provide that a county or public  
2-6 agency:

2-7 (1) may refuse to provide solid waste disposal  
2-8 services to a person if the person is past due on utility charges or  
2-9 solid waste disposal services fees owed to another party to the  
2-10 agreement; or

2-11 (2) may collect an amount equal to the past due utility  
2-12 charges or solid waste disposal services fees owed to another party  
2-13 to the agreement plus a service charge and provide the solid waste  
2-14 disposal services the person requests.

2-15 (c) The agreement shall provide for:

2-16 (1) the confidentiality of a person's utility or solid  
2-17 waste disposal account information and the prevention of disclosure  
2-18 to a person or other entity that is not a party to the agreement; and

2-19 (2) the apportionment of any past due charges, fees,  
2-20 and service charges authorized by Subsection (b)(2) between the  
2-21 collecting entity and the entity to which the fees are owed.

2-22 SECTION 4. This Act takes effect immediately if it receives  
2-23 a vote of two-thirds of all the members elected to each house, as  
2-24 provided by Section 39, Article III, Texas Constitution. If this  
2-25 Act does not receive the vote necessary for immediate effect, this  
2-26 Act takes effect September 1, 2003.

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