

By: Janek

S.B. No. 1797

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to authorizing counties bordering on the shorelines of  
3 both the Gulf of Mexico and Galveston Bay to grant exclusive  
4 franchises for solid waste disposal services in unincorporated  
5 areas of the counties.

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

7 SECTION 1. Subchapter C, Chapter 364, Health and Safety  
8 Code, is amended by adding Section 364.0341 to read as follows:

9 Sec. 364.0341. SERVICES IN UNINCORPORATED AREAS OF CERTAIN  
10 COUNTIES. (a) In order to help provide for the public health and  
11 safety of its citizens and in order to help deter the dumping of  
12 litter, garbage, refuse, building materials, and other matter on  
13 state-owned public beaches and adjoining sand dunes, the  
14 commissioners court of a county bordering both on the shoreline of  
15 the Gulf of Mexico or its tidewater limits and on the shoreline of  
16 Galveston Bay or its tidewater limits by order may:

17 (1) grant an exclusive franchise for solid waste  
18 collection and transportation services within unincorporated areas  
19 of the county to a legal entity engaged in providing solid waste  
20 disposal services;

21 (2) offer solid waste disposal service to persons in  
22 the unincorporated areas of the county;

23 (3) mandate the use of the service by persons in the  
24 unincorporated areas of the county;

1           (4) charge fees for the service; and

2           (5) establish the service as a utility separate from  
3 other utilities located in the unincorporated areas of the county.

4           (b) A fee for a service provided under this section may be  
5 collected by:

6           (1) the county;

7           (2) a private or public utility that contracts with  
8 the county to provide the service; or

9           (3) another private or public entity that contracts  
10 with the county to collect the fees.

11           (c) A county may contract with a public or private utility  
12 to collect a fee for a service provided under this section. The  
13 contract may:

14           (1) require that the fee for the service be included in  
15 the bill for other utility services;

16           (2) allow a fee to be paid to the utility for billing  
17 and collecting the fee;

18           (3) require a system of accounting for fees collected  
19 by an entity other than the county; and

20           (4) contain other terms as agreed to by the parties.

21           (d) To aid enforcement of the fee collection for the solid  
22 waste disposal service:

23           (1) a county or the public or private entity that has  
24 contracted with the county to provide the service may suspend  
25 service to a person who is delinquent in payment of solid waste  
26 disposal service fees until the delinquent claim is fully paid; and

27           (2) a public or private utility that bills and

1 collects solid waste disposal service fees under this section may  
2 suspend service of that utility, in addition to the suspension of  
3 solid waste disposal services, to a person who is delinquent in the  
4 payment of the solid waste disposal service fee until the  
5 delinquent claim is fully paid.

6 SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.