

By: Hinojosa, Lucio

S.B. No. 594

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of solid waste disposal services by
3 certain counties; authorizing a fee.

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

5 SECTION 1. Section 364.011(a-1), Health and Safety Code, is
6 amended to read as follows:

7 (a-1) A commissioners court by rule may regulate solid waste
8 collection, handling, storage, and disposal by establishing a
9 mandatory program under Section 364.034 in an area of the county
10 located within the extraterritorial jurisdiction of a municipality
11 if:

12 (1) the municipality does not provide solid waste
13 disposal services in that area; and

14 (2) the county[+] ~~(A)~~ is adjacent to the United Mexican States
15 and either:

17 (A) [+(B)] has a population of less than
18 300,000[+] and

19 ~~(C)~~ contains a municipality with a population
20 of 200,000 or more; or

21 (B) has a population of more than 700,000 and
22 contains at least two municipalities that each have a population of
23 77,000 or more.

24 SECTION 2. Section 364.034, Health and Safety Code, is

1 amended by amending Subsections (a) and (b) and adding Subsection
2 (b-1) to read as follows:

3 (a) A public agency or a county may:

4 (1) offer solid waste disposal service to persons in
5 its territory, including, in the case of a county described by
6 Section 364.011(a-1)(2)(B) or (a-2)(2) [~~364.011(a-2)(2)~~], an area
7 of the county located within the extraterritorial jurisdiction of a
8 municipality if the municipality does not provide solid waste
9 disposal services in that area;

10 (2) require the use of the service by those persons,
11 except as provided by Subsection (a-1);

12 (3) charge fees for the service; and

13 (4) establish the service as a utility separate from
14 other utilities in its territory.

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

17 (1) the county;

18 (2) a private or public entity that contracts with the
19 county to provide the service; [~~or~~]

20 (3) another private or public entity that contracts
21 with the county to collect the fees; or

22 (4) a county tax assessor-collector, for the purposes
23 of Section 364.0343.

24 (b-1) If a county described by Section 364.011(a-1)(2)(B)
25 contracts with a public or private entity to provide solid waste
26 disposal services as authorized under Section 364.011(a-1) and
27 Subsection (a), the contract must provide for solid waste disposal

1 services for the entire unincorporated area of the county, not
2 including areas in the extraterritorial jurisdiction of a
3 municipality where the municipality provides waste disposal
4 services.

5 SECTION 3. Subchapter C, Chapter 364, Health and Safety
6 Code, is amended by adding Section 364.0343 to read as follows:

7 Sec. 364.0343. COLLECTION OF CERTAIN FEES FOR SOLID WASTE
8 DISPOSAL SERVICES. (a) This section applies to a county that:

9 (1) regulates solid waste collection, handling,
10 storage, and disposal by establishing a mandatory program under
11 Section 364.011(a-1)(2)(B); and

12 (2) provides in the program rules that this section
13 applies to the collection of a fee under the program.

14 (b) The county tax assessor-collector of a county shall
15 include the fee in the tax bill prepared under Section 31.01, Tax
16 Code, for each landowner whose real property is benefited by the
17 solid waste disposal services for which the fee is imposed. The tax
18 bill must separately state the amount of the fee. The county tax
19 assessor-collector shall collect the fee for the county in the same
20 manner that the county tax assessor-collector collects ad valorem
21 taxes for the county.

22 (c) A commissioners court may obtain a lien against real
23 property benefited by the solid waste disposal services for which a
24 fee is imposed to secure payment of the fee. To obtain the lien, the
25 commissioners court must file a notice with the county clerk of the
26 county in which the property is located that includes:

27 (1) a statement that the fee has been imposed on the

1 landowner and the amount of the fee;

2 (2) a legal description of the property on which the
3 lien is to be attached sufficient to identify the property; and

4 (3) the name of the landowner, if known.

5 (d) The lien authorized by this section exists in favor of
6 the county. The lien attaches to the real property on the date the
7 notice of lien is filed with the county clerk. The lien is inferior
8 to a mortgage lien recorded with the county clerk before the date
9 the lien authorized by this section attaches to the property. A
10 county may not foreclose a lien authorized by this section if the
11 lien is the only lien attached to the property.

12 SECTION 4. Section 364.0345, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 364.0345. PENALTIES FOR FAILURE TO USE REQUIRED
15 SERVICE IN CERTAIN AREAS. (a) The commissioners court of a county
16 described by Section 364.011(a-1)(2)(B) or (a-2)(2)
17 [~~364.011(a-2)(2)~~] that requires the use of a county solid waste
18 disposal service under Section 364.034 in the extraterritorial
19 jurisdiction of a municipality may adopt orders to enforce the
20 requirement, including an order establishing a civil or
21 administrative penalty in an amount reasonable and necessary to
22 ensure compliance with the requirement.

23 (b) A county described by Section 364.011(a-1)(2)(B) may
24 not impose a civil penalty under Subsection (a) on a person in an
25 amount that exceeds 10 percent of the person's delinquent annual
26 service charge.

27 SECTION 5. This Act takes effect September 1, 2021.