

By: Hinojosa, LaMantia

S.B. No. 1430

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 400,000 and
22 contains at least two municipalities each of which has a population
23 of 70,000 or more.

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

1 amended by amending Subsection (a) and adding Subsection (b-1) to
2 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-1) If a county described by Section 364.011(a-1)(2)(B)
16 contracts with a public or private entity to provide solid waste
17 disposal services as authorized under Section 364.011(a-1) and
18 Subsection (a) of this section, the contract must provide for solid
19 waste disposal services for the entire unincorporated area of the
20 county, not including areas in the extraterritorial jurisdiction of
21 a municipality where the municipality provides waste disposal
22 services.

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

25 Sec. 364.0343. NOTICE AND HEARING OF CERTAIN FEES FOR SOLID
26 WASTE DISPOSAL SERVICES. (a) This section applies to a county
27 that:

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

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

6 (b) Before a county may impose the fee described by Section
7 364.034, the commissioners court must hold a public hearing on the
8 proposed fee. Not later than the 10th day before the date of the
9 hearing, the county shall provide notice of the hearing that
10 includes the date, time, and location of the hearing and a statement
11 that an interested citizen of the county may testify at the hearing.

12 The county:

13 (1) shall deliver the notice:

14 (A) by mail to each owner of real property that
15 would be affected by the fee, at the address shown on the most
16 recently certified tax roll of the district;

17 (B) by posting the notice prominently on the
18 county's Internet website from the date the notice is mailed until
19 the public hearing is concluded; and

20 (C) if the county maintains a public account on a
21 social media platform, by posting the notice on the county's social
22 media platform account; and

23 (2) may publish notice of the hearing in a newspaper in
24 addition to delivery of the notice by the methods required under
25 this section.

26 (c) As early as practicable in advance of a public hearing
27 required by this section, the county shall post on the county's

1 Internet website any written agenda and related supplemental
2 written materials provided by the county to the commissioners in
3 advance of the hearing for the commissioners' use during the
4 hearing. The county may exclude written materials that the county
5 attorney certifies are confidential or may be withheld from public
6 disclosure under Chapter 552, Government Code.

7 (d) A public hearing held under this section must be on a
8 weekday that is not a public holiday. At the hearing, the
9 commissioners court shall afford adequate opportunity for
10 proponents and opponents of the proposed fee to present their
11 views.

12 (e) Not later than the 60th day before the scheduled start
13 date of the solid waste disposal services for which a fee is
14 collected under this section, the county shall mail notice to each
15 landowner whose real property will be benefited by the services.
16 The notice must include:

17 (1) a statement that:

18 (A) the county has adopted an order to require
19 the use of county solid waste disposal services under Section
20 364.034 and to collect a fee; and

21 (B) the landowner may qualify under Section
22 364.034(g) for an exemption from the application of the
23 requirement; and

24 (2) instructions for completing and submitting the
25 documentation required for the exemption under Section 364.034(g).

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

1 Sec. 364.0345. PENALTIES FOR FAILURE TO USE REQUIRED
2 SERVICE IN CERTAIN AREAS. (a) The commissioners court of a county
3 described by Section 364.011(a-1)(2)(B) or (a-2)(2)
4 [~~364.011(a-2)(2)~~] that requires the use of a county solid waste
5 disposal service under Section 364.034 in the extraterritorial
6 jurisdiction of a municipality may adopt orders to enforce the
7 requirement, including an order establishing a civil or
8 administrative penalty in an amount reasonable and necessary to
9 ensure compliance with the requirement.

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

14 SECTION 5. Section 791.037(b), Government Code, is amended
15 to read as follows:

16 (b) This section applies only to a county:

17 (1) with a population of more than 1.5 million in which
18 more than 75 percent of the population resides in a single
19 municipality; or

20 (2) that is located adjacent to the United Mexican
21 States, has a population of more than 400,000, and contains at least
22 two municipalities each of which has a population of 70,000 or more.

23 SECTION 6. This Act takes effect September 1, 2023.