

SUBJECT: Allowing counties to contract for collection of solid waste fees

COMMITTEE: Environmental Regulation — favorable, with amendment

VOTE: 6 ayes — Chisum, Bonnen, Kuempel, Uher, Geren, Zbranek
0 nays
3 absent — Bosse, Dukes, Howard

SENATE VOTE: On final passage, March 5 — voice vote

WITNESSES: For — Jim Allison, County Judges and Commissioners Association of Texas
Against — None

BACKGROUND: Health and Safety Code, sec. 364.034 permits a public agency or county to offer solid waste disposal services to people in its territory, require that people in the territory use that service, charge a fee for the service, and establish the solid waste disposal service as a utility separate from other utilities in its territory. A public agency or county also may suspend solid waste disposal services to a person who is delinquent in payment of fees until the delinquent claim is paid in full.

DIGEST: SB 352 would amend the Health and Safety Code to permit solid waste disposal service fees to be collected by the county, a private or public entity that contracted with the county to provide the solid waste disposal service, or a private or public entity that contracted with the county to collect the fees.

The bill would permit the county to contract with a public or private utility to collect solid waste disposal fees. A contract could:

- ! require billing of the fee within the bill for other utility services;
- ! allow a fee to be paid to the utility for billing and collecting the solid waste disposal fee;
- ! require an accounting system for fees collected by the utility; and

! contain other terms as agreed to by the county and the utility.

A county or a public or private entity that had contracted with the county to provide solid waste disposal services could suspend service to a person who was delinquent in payment. A public or private utility that billed and collected solid waste disposal service fees also could suspend service of that utility, as well as suspending solid waste disposal services to a person who was delinquent in paying the solid waste disposal service fee.

The bill would take effect January 1, 2002.

**SUPPORTERS
SAY:**

This bill is necessary to provide counties with an effective and efficient way to collect fees for solid waste collection and disposal. While the law allows certain counties to mandate solid waste collection, they effectively lack a way to collect solid waste fees. As a result, many areas do not have solid waste services. In some areas, solid waste services only are available from private contractors, often at costs which residents cannot afford. Residents of these areas dump, bury, or burn their solid waste illegally. Illegally dumped waste creates unsightly and unsanitary conditions, threatening public health by clogging drainage ditches and pipes and providing a breeding ground for insects and rodents.

SB 352 would save counties money. Removal and proper disposal of illegally-dumped solid waste, including mattresses, tires, and appliances, is expensive. Even counties that rely in part on the Prisoners at Work (PAW) program incur significant costs in solid waste collection, including tracking down those who illegally dump garbage.

SB 352 would not create a mandate. It would give counties the option to contract with other utilities or entities for fee collection services. This bill only would provide a mechanism to collect solid waste disposal fees. Other utilities and entities would not provide solid waste collection or disposal.

**OPPONENTS
SAY:**

The bill would authorize temporary discontinuation of utility services to persons delinquent in payment of solid waste disposal service fees. Existing state law would not permit a water corporation to cut off water service for non-payment of solid waste fees (although water corporations do have a limited ability to cut off water service for non-payment of sewage charges).

It would not be fair to cut off other utilities for nonpayment of solid waste fees.

NOTES:

A similar bill, HB 987 by Oliveira, passed the House on March 20 and passed the Senate, as amended, on May 4. As passed by the Senate and amended, HB 987 is identical to SB 352. On May 10, the House refused to concur in the Senate amendments to HB 987, requested a conference committee, and appointed conferees. As passed by the House, HB 987 would allow border and low-income counties eligible for financial assistance under Water Code, sec. 17.923 to contract with a water supply or sewer service corporation serving part of the county to collect solid-waste disposal fees on behalf of the county. The county would have to compensate the corporation for the cost of collecting the fees and could use the fees to pay the compensation.