

BILL ANALYSIS

Senate Research Center
87R6136 SLB-D

S.B. 594
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Local Government
4/23/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Colonias are unincorporated communities in counties that are usually characterized by poor infrastructure, lower quality homes, and higher incidences of crime. Many colonias in Hidalgo County still experience inadequate trash collection or trash containers to dispose of solid waste causing an accumulation of excess garbage in and around the colonias. The lack of solid waste disposal services in these colonias results in increased pollution, illegal dumping, trash burning, and a health hazard.

Currently, Hidalgo County is limited in its ability to provide solid waste services in the extraterritorial jurisdiction (ETJ) of a municipality. Section 364.034, Health and Safety Code, allows counties to establish mandatory solid waste disposal services in their territories; however, Section 364.011 limits that authority by denying a county authority to regulate in a municipality's ETJ. Some municipalities have taken the position that they possess no authority or obligation to regulate or provide such services beyond their corporate limits.

As introduced, S.B. 594 seeks to remedy this situation by enabling the Hidalgo County Commissioners Court to establish a mandatory solid waste disposal program to provide waste services in colonias. This legislation is similar to legislation passed in 2017 for Webb and Bexar Counties. S.B. 594 authorizes the Hidalgo County Commissioners Court by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory solid waste disposal service program in the unincorporated areas of the county, including the ETJs of cities currently not providing disposal services. There are a number of exemptions to a mandatory program already in statute under Section 364.034 (a-1), Health and Safety Code. These exemptions include (1) a person having their own contract for solid waste pickup services, or (2) a private entity at a construction site that contracts for roll-off container services.

As proposed, S.B. 594 amends current law relating to the provision of solid waste disposal services by certain counties and authorizes a fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 364.011(a-1), Health and Safety Code, as follows:

(a-1) Authorizes a commissioners court by rule to regulate solid waste collection, handling, storage, and disposal by establishing a mandatory program under Section 364.034 (Solid Waste Disposal Service; Fees) in an area of the county located within the extraterritorial jurisdiction of a municipality if:

- (1) makes no changes to this subdivision; and
- (2) the county is adjacent to the United Mexican States and either:

(A) has a population of less than 300,000 and contains a municipality with a population of 200,000 or more; or

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

SECTION 2. Amends Sections 364.034(a) and (b), Health and Safety Code, as follows:

(a) Authorizes a public agency or a county to take certain actions, including offering solid waste disposal service to persons in its territory, including, in the case of a county described by Section 364.011(a-1)(2)(B) or (a-2)(2) (relating to the provision of solid waste services in an area of a county within the extraterritorial jurisdiction of a municipality if the county meets certain population criteria), rather than Section 364.011(a-2)(2), an area of the county located within the extraterritorial jurisdiction of a municipality if the municipality does not provide solid waste disposal services in that area.

(b) Authorizes a fee for a service provided under this section to be collected by certain entities, including a county tax assessor-collector, for the purposes of Section 364.0343. Makes nonsubstantive changes.

SECTION 3. Amends Subchapter C, Chapter 364, Health and Safety Code, by adding Section 364.0343, as follows:

Sec. 364.0343. COLLECTION OF CERTAIN FEES FOR SOLID WASTE DISPOSAL SERVICES. (a) Provides that this section applies to a county that regulates solid waste collection, handling, storage, and disposal by establishing a mandatory program under Section 364.011(a-1)(2)(B), and provides in the program rules that this section applies to the collection of a fee under the program.

(b) Requires the county tax assessor-collector of a county to include the fee in the tax bill prepared under Section 31.01 (Tax Bills), Tax Code, for each landowner whose real property is benefited by the solid waste disposal services for which the fee is imposed. Requires that the tax bill separately state the amount of the fee. Requires the county tax assessor-collector to collect the fee for the county in the same manner that the county tax assessor-collector collects ad valorem taxes for the county.

(c) Authorizes a commissioners court to obtain a lien against real property benefited by the solid waste disposal services for which a fee is imposed to secure payment of the fee. Requires the commissioners court to file a notice with the county clerk of the county in which the property is located that includes certain information to obtain the lien.

(d) Provides that the lien authorized by this section exists in favor of the county, attaches to the real property on the date the notice of lien is filed with the county clerk, and is inferior to a mortgage lien recorded with the county clerk before the date the lien authorized by this section attaches to the property. Prohibits a county from foreclosing a lien authorized by this section if the lien is the only lien attached to the property.

SECTION 4. Amends Section 364.0345, Health and Safety Code, to make a conforming change.

SECTION 5. Effective date: September 1, 2021.