

1-1 By: Hinojosa, Lucio S.B. No. 594  
 1-2 (In the Senate - Filed February 5, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on Local Government;  
 1-4 April 29, 2021, reported favorably by the following vote: Yeas 5,  
 1-5 Nays 0; April 29, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez			X	
1-9 Eckhardt			X	
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 Springer	X			
1-15 Zaffirini			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the provision of solid waste disposal services by  
 1-20 certain counties; authorizing a fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 364.011(a-1), Health and Safety Code, is  
 1-23 amended to read as follows:

1-24 (a-1) A commissioners court by rule may regulate solid waste  
 1-25 collection, handling, storage, and disposal by establishing a  
 1-26 mandatory program under Section 364.034 in an area of the county  
 1-27 located within the extraterritorial jurisdiction of a municipality  
 1-28 if:

1-29 (1) the municipality does not provide solid waste  
 1-30 disposal services in that area; and

1-31 (2) the county~~+~~  
 1-32 [~~(A)~~] is adjacent to the United Mexican States  
 1-33 and either:

1-34 (A) [~~;~~ ~~(B)~~] has a population of less than  
 1-35 300,000~~+~~ and

1-36 [~~(C)~~] contains a municipality with a population  
 1-37 of 200,000 or more; or

1-38 (B) has a population of more than 700,000 and  
 1-39 contains at least two municipalities that each have a population of  
 1-40 77,000 or more.

1-41 SECTION 2. Sections 364.034(a) and (b), Health and Safety  
 1-42 Code, are amended to read as follows:

1-43 (a) A public agency or a county may:

1-44 (1) offer solid waste disposal service to persons in  
 1-45 its territory, including, in the case of a county described by  
 1-46 Section 364.011(a-1)(2)(B) or (a-2)(2) [~~364.011(a-2)(2)~~], an area  
 1-47 of the county located within the extraterritorial jurisdiction of a  
 1-48 municipality if the municipality does not provide solid waste  
 1-49 disposal services in that area;

1-50 (2) require the use of the service by those persons,  
 1-51 except as provided by Subsection (a-1);

1-52 (3) charge fees for the service; and

1-53 (4) establish the service as a utility separate from  
 1-54 other utilities in its territory.

1-55 (b) A fee for a service provided under this section may be  
 1-56 collected by:

1-57 (1) the county;

1-58 (2) a private or public entity that contracts with the  
 1-59 county to provide the service; ~~or~~

1-60 (3) another private or public entity that contracts  
 1-61 with the county to collect the fees; or

2-1 (4) a county tax assessor-collector, for the purposes  
2-2 of Section 364.0343.

2-3 SECTION 3. Subchapter C, Chapter 364, Health and Safety  
2-4 Code, is amended by adding Section 364.0343 to read as follows:

2-5 Sec. 364.0343. COLLECTION OF CERTAIN FEES FOR SOLID WASTE  
2-6 DISPOSAL SERVICES. (a) This section applies to a county that:

2-7 (1) regulates solid waste collection, handling,  
2-8 storage, and disposal by establishing a mandatory program under  
2-9 Section 364.011(a-1)(2)(B); and

2-10 (2) provides in the program rules that this section  
2-11 applies to the collection of a fee under the program.

2-12 (b) The county tax assessor-collector of a county shall  
2-13 include the fee in the tax bill prepared under Section 31.01, Tax  
2-14 Code, for each landowner whose real property is benefited by the  
2-15 solid waste disposal services for which the fee is imposed. The tax  
2-16 bill must separately state the amount of the fee. The county tax  
2-17 assessor-collector shall collect the fee for the county in the same  
2-18 manner that the county tax assessor-collector collects ad valorem  
2-19 taxes for the county.

2-20 (c) A commissioners court may obtain a lien against real  
2-21 property benefited by the solid waste disposal services for which a  
2-22 fee is imposed to secure payment of the fee. To obtain the lien, the  
2-23 commissioners court must file a notice with the county clerk of the  
2-24 county in which the property is located that includes:

2-25 (1) a statement that the fee has been imposed on the  
2-26 landowner and the amount of the fee;

2-27 (2) a legal description of the property on which the  
2-28 lien is to be attached sufficient to identify the property; and

2-29 (3) the name of the landowner, if known.

2-30 (d) The lien authorized by this section exists in favor of  
2-31 the county. The lien attaches to the real property on the date the  
2-32 notice of lien is filed with the county clerk. The lien is inferior  
2-33 to a mortgage lien recorded with the county clerk before the date  
2-34 the lien authorized by this section attaches to the property. A  
2-35 county may not foreclose a lien authorized by this section if the  
2-36 lien is the only lien attached to the property.

2-37 SECTION 4. Section 364.0345, Health and Safety Code, is  
2-38 amended to read as follows:

2-39 Sec. 364.0345. PENALTIES FOR FAILURE TO USE REQUIRED  
2-40 SERVICE IN CERTAIN AREAS. The commissioners court of a county  
2-41 described by Section 364.011(a-1)(2)(B) or (a-2)(2)  
2-42 [~~364.011(a-2)(2)~~] that requires the use of a county solid waste  
2-43 disposal service under Section 364.034 in the extraterritorial  
2-44 jurisdiction of a municipality may adopt orders to enforce the  
2-45 requirement, including an order establishing a civil or  
2-46 administrative penalty in an amount reasonable and necessary to  
2-47 ensure compliance with the requirement.

2-48 SECTION 5. This Act takes effect September 1, 2021.

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