

- SUBJECT:** Allowing counties to contract for collection of solid-waste disposal fees
- COMMITTEE:** County Affairs — favorable, with amendment
- VOTE:** 7 ayes — Ramsay, G. Lewis, Brown, Chisum, Farabee, Salinas, Shields  
0 nays  
2 absent — Hilderbran, Krusee
- WITNESSES:** For — Conrado M. Cantu, Cameron County Sheriff’s Department; Donald Lee, Texas Conference of Urban Counties; Ken Petersen, Texas Rural Water Association; Ray Rodriguez, Cameron County Health Department;  
*Registered but did not testify:* Paul Sugg, Texas Association of Counties  
Against — None
- BACKGROUND:** Health and Safety Code, chapters 361 and 364 authorize counties with a population of 30,000 or more to mandate solid-waste collection services in unincorporated areas. Water Code, chapter 17, subchapter K governs financial assistance to economically distressed areas for water supply and sewer service projects. Sec. 17.923 defines an eligible county as one located next to an international border or one with both a per-capita income averaging 25 percent below the state average and an unemployment rate averaging 25 percent above the state average for the most recent three years for which statistics are available. Water Code, Sec. 13.002 defines “water supply or sewer service corporation” primarily as a nonprofit corporation owned and controlled by its members.
- DIGEST:** HB 987, as amended, would allow 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. Water supply or sewer service corporation would be defined as in Water Code, sec. 13.002. The county would have to compensate the corporation for the cost of collecting the fees and could use the fees to pay the compensation.

This bill would take effect on September 1, 2001.

SUPPORTERS  
SAY:

Under current law, certain counties have authority to mandate collection of solid waste. HB 987 is necessary to give counties an effective and efficient way to collect fees for solid-waste collection and disposal.

Because counties lack a way to collect solid-waste fees effectively, many areas, particularly along the Texas-Mexico border, lack solid-waste services. In some areas, these services are available only from private contractors, often at costs that residents cannot afford. As a result, residents of these areas often dump, bury, or burn their solid waste illegally. Illegally dumped waste creates unsightly and unsanitary conditions, threatens public health by clogging drainage ditches and pipes, and provides a breeding ground for insects and rodents.

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 program have significant costs in solid-waste collection, including tracking down those who dump illegally.

HB 987 would give counties the option of contracting with water supply or sewer service corporations to collect solid-waste disposal fees. It would clarify the legal authority of these corporations to collect solid-waste fees through their bills. It would not require counties to contract with these corporations, nor would it authorize water corporations to collect or dispose of solid waste itself, which their enabling legislation in the Water Code prohibits them from doing.

Statewide legislation may be desirable, but HB 987 would address the greater needs of border counties immediately.

OPPONENTS  
SAY:

HB 987 would not go far enough. It should allow all counties the opportunity to contract for collection of solid-waste fees if local circumstances justify it.

NOTES:

The filed version of HB 987 would allow an eligible county to require a water supply or sewer service corporation to collect fees for solid-waste disposal services provided by the county. The committee amendment would specify that the county could contract with the corporation to do so on the county's behalf.

A similar bill, SB 352 by Truan, would allow all counties to contract with public or private utilities and other entities to collect solid-waste fees for the county. A utility collecting the fees could cut off service and the county or other entity providing solid-waste disposal could suspend that service to a person who was delinquent in paying solid-waste disposal fees. SB 352 passed the Senate on March 5 and has been referred to the House Environmental Regulation Committee.