

AN ACT

relating to allowing certain political subdivisions to enter agreements with other political subdivisions for the collection of past due amounts for certain utility or waste disposal services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 402, Local Government Code, is amended by adding Section 402.910 to read as follows:

Sec. 402.910. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS FOR COLLECTION OF PAST DUE UTILITY OR SOLID WASTE DISPOSAL SERVICE FEES.

(a) A municipality that operates a utility system, as defined by Section 402.001, or provides solid waste disposal services may enter an agreement for the collection of unpaid utility charges or solid waste disposal services fees with:

(1) another municipality that operates a utility system;

(2) a county or public agency that provides solid waste disposal services; or

(3) another political subdivision acting on behalf of a municipality, county, or public agency to assist in the collection of unpaid utility charges or solid waste disposal fees.

(b) The agreement may provide that a municipality:

(1) may refuse to provide utility service to a person if the person is past due on utility charges or solid waste disposal services fees owed to another party to the agreement; or

1 (2) may collect an amount equal to the past due utility
2 charges or solid waste disposal services fees owed to another party
3 to the agreement plus a service charge and provide the utility
4 service the person requests.

5 (c) The agreement shall provide for:

6 (1) the confidentiality of a person's utility or solid
7 waste disposal account information and the prevention of disclosure
8 to a person or other entity that is not a party to the agreement; and

9 (2) the apportionment of any past due charges, fees,
10 and service charges authorized by Subsection (b)(2) between the
11 collecting entity and the entity to which the fees are owed.

12 SECTION 2. Section 364.034(e), Health and Safety Code, is
13 amended to read as follows:

14 (e) This section does not apply to a person who provides the
15 public or private entity, public agency, or county with written
16 documentation that the person is receiving solid waste disposal
17 services from another entity. Nothing in this section shall limit
18 the authority of a municipality to enforce its grant of a franchise
19 for solid waste collection and transportation services within its
20 territory.

21 SECTION 3. Subchapter C, Chapter 364, Health and Safety
22 Code, is amended by adding Section 364.037 to read as follows:

23 Sec. 364.037. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS
24 FOR COLLECTION OF PAST DUE UTILITY OR SOLID WASTE DISPOSAL SERVICES
25 FEES. (a) A county or public agency that offers solid waste
26 disposal services under this subchapter may enter an agreement for
27 the collection of unpaid utility or solid waste disposal services

1 fees with:

2 (1) another county or public agency that provides
3 solid waste disposal services under this subchapter;

4 (2) a municipality that operates a utility system, as
5 defined by Section 402.001, Local Government Code; or

6 (3) another political subdivision acting on behalf of
7 a municipality, county, or public agency to assist in the
8 collection of unpaid utility charges or solid waste disposal fees.

9 (b) The agreement may provide that a county or public
10 agency:

11 (1) may refuse to provide solid waste disposal
12 services to a person if the person is past due on utility charges or
13 solid waste disposal services fees owed to another party to the
14 agreement; or

15 (2) may collect an amount equal to the past due utility
16 charges or solid waste disposal services fees owed to another party
17 to the agreement plus a service charge and provide the solid waste
18 disposal services the person requests.

19 (c) The agreement shall provide for:

20 (1) the confidentiality of a person's utility or solid
21 waste disposal account information and the prevention of disclosure
22 to a person or other entity that is not a party to the agreement; and

23 (2) the apportionment of any past due charges, fees,
24 and service charges authorized by Subsection (b)(2) between the
25 collecting entity and the entity to which the fees are owed.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.

David Swinhart

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 2036 was passed by the House on April 25, 2003, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2036 on May 30, 2003, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2036 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: 18 JUNE '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30pm O'CLOCK

JUN 18 2003
Ann Shea
Secretary of State