

SUBJECT: Garbage collection services by border counties

COMMITTEE: County Affairs — favorable, committee substitute recommended

VOTE: 9 ayes — Campbell, Gutierrez, Corte, Finnell, Hamric, Kamel, Longoria, Parra, Zbranek

0 nays

2 absent — Chisum, Williamson

WITNESSES: None

BACKGROUND: Chapter 361 of the Health and Safety Code defines "garbage" as animal and vegetable waste materials that are capable of rotting. "Rubbish" means combustible and noncombustible solid waste that does not decay.

The County Solid Waste Disposal Act (Health and Safety Code Chapter 364) authorizes counties to collect, transport and dispose of solid waste to control pollution.

DIGEST: CSHB 1673 would allow a commissioner's court of counties bordering Mexico to acquire, construct, or operate a garbage and rubbish collection service to provide services to persons in unincorporated areas of the county. The county could execute a competitively-bid contract with a public or private entity to perform all or part of the services or could establish the service as a separate utility. The county could make the services mandatory for all persons in unincorporated areas and charge a fee to be collected either by the county, the public or private contractor, or another public or private utility that enters into a collection contract.

If a county contracted with another public or private utility to collect a fee, the utility would be allowed to charge a fee for billing and collecting the garbage and rubbish service fee. Fees would be included on the bill for other utility services, and the utility would be required to maintain a system of accounting for all fees collected.

The county could not require a customer to pay for collection previously furnished to another customer at the same location as a condition of connecting or continuing service or require a customer's bill for service to be guaranteed by a third party as a condition of connecting or continuing service. A county could require varying appropriate service deposits. If a customer was delinquent in payment, service could be suspended until the claim was fully paid.

This bill would take effect immediately if approved by two-thirds of the members of each house.

**SUPPORTERS
SAY:**

CSHB 1673 would allow border counties to provide waste disposal in a cost-effective manner to those areas that currently do not have this service. When garbage service is not furnished, residents either have to pay a private contractor to take it away or dispose of the trash themselves, either by burning it or taking it to the local dump. These alternative methods are usually more costly, tend to be dangerous to health and safety and can be harmful to the environment.

A floor amendment would guarantee access to the bidding process for businesses that have historically worked within the county. Although most border counties have only minimal garbage removal, in those areas that have access to this service it typically has been provided by local small and minority businesses. The bill would ensure that those businesses that have worked in the county will be given the chance to continue and expand.

Counties along the Mexican border are the most poverty-stricken areas of the state and have only limited, if any, utility service. Counties along the border need *express* statutory authority to begin providing remote unincorporated areas with basic essential services such as garbage collection.

Through a floor amendment, CSHB 1673 would prohibit counties from disrupting existing contracts, giving residents and businesses the option of maintaining current agreements that may provide collection services for less cost or in a more efficient manner.

CSHB 1673 would allow waste companies to charge customers on an existing utility bill, making fee collection simple and cost-effective for both the customers and the collection services.

**OPPONENTS
SAY:**

This bill is unnecessary since counties already have the authority to provide the services envisioned by this bill under Health and Safety Code secs. 364.013 and 364.034.

**OTHER
OPPONENTS
SAY:**

To guarantee that citizens are receiving the best possible services for the lowest cost, county commissioners courts should not be allowed to discriminate against companies outside the county. Often, a company that provides collection to nearby counties can expand into adjoining counties for very little cost, allowing it to provide service for less expense, which is especially important in border counties that historically have very little money to pay for utility services.

CSHB 1673 should apply to every county in the state, not just those bordering Mexico. Many counties throughout the state have the same problem as the border counties in assuring that residents in remote unincorporated areas have adequate garbage collection.

In awarding collection services contracts, counties should be required to award at least a portion to small and minority businesses. Texas counties, especially along the border, need to be sensitive to the needs of businesses within their boundaries and should try to ensure that they are awarding at least a portion of their contracts to those with special considerations rather than always dealing with larger companies simply because they can perform the services for slightly less cost.

NOTES:

Rep. R. Cuellar plans to offer floor amendments to CSHB 1673 that would direct counties, when determining who is a reasonable bidder, to consider whether the bidder had previously furnished collection services in the county and the quality of those services. The amendments would also prohibit counties from affecting or disrupting pre-existing contractual relationships between residents, neighborhoods, associations and private contractors and between commercial or industrial waste generators and privately owned waste services. The amendments would specifically permit

HB 1673
House Research Organization
page 4

recovering or diverting materials for reuse, recycling, reclamation, or selling and would change the bill's effective date to January 1, 1994.

The committee substitute limited the bill's applicability to counties that border Mexico.

The Senate companion bill, SB 918 by Lucio, has been referred to the Senate Intergovernmental Relations Committee. HB 2071 by Oakley, which is similar to HB 1673 but is limited to counties with a population of less than 100,000, has been referred to the House County Affairs Committee.