

BILL ANALYSIS

Senate Research Center

H.B. 1251
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2001, the 77th Legislature revised Section 364.034 (Solid Waste Disposal; Fees), Health and Safety Code, to authorize a public agency or county to offer solid waste disposal services to persons in its territory and to collect fees for solid waste disposal services. This law also granted specific powers to aid in the enforcement of the fee collection and did not apply to any person receiving solid waste disposal services from another entity.

In 2003, the 78th Legislature revised Section 364.034, Health and Safety Code, to provide that nothing in that section limits the authority of a municipality to enforce its grant of franchise for solid waste disposal services in its territory. The rest of the section remained unaffected. As a result, some courts have construed the 2003 amendment to prohibit competition for grease and grit trap disposal services. Statutory change may be necessary to allow competition for disposal services for the collection of domestic septage, grease trap waste, grit trap waste, lint trap waste, and sand trap waste.

H.B. 1251 prohibits a political subdivision from restricting the right of an entity to contract with a licensed grease and grit trap waste hauler.

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 363.116, Health and Safety Code, by adding Subsections (c) and (d), as follows:

(c) Authorizes a public agency to enter into a contract for an exclusive franchise for the collection and removal of grease trap or grit trap waste only after a competitive bidding process. Requires a public agency to consider the bidder's ability to provide collection and removal services at the lowest cost to the generator of said waste as the primary factor in awarding a contract under this subsection.

(d) Prohibits a public agency from restricting the right of an entity to contract with a licensed waste hauler for the collection and removal of domestic septage or of certain types of waste.

SECTION 2. Amends Section 364.034, Health and Safety Code, by amending Subsection (e) and adding Subsections (f) and (g), as follows:

(e) Provides an exception to this subsection under Subsection (f).

(f) Prohibits a political subdivision, including a county or municipality, from restricting the right of an entity to contract with a licensed waste hauler for the collection and removal of domestic septage or of certain types of waste.

(g) Authorizes a public agency to enter into a contract for an exclusive franchise for the collection and removal of grease trap or grit trap waste only after a competitive bidding process. Requires a public agency to consider the bidder's ability to provide collection

and removal services at the lowest cost to the generator of said waste as the primary factor in awarding a contract under this subsection.

SECTION 3. Amends Subchapter C, Chapter 364, Health and Safety Code, by adding Section 364.0341, as follows:

Sec. 364.0341. SERVICES IN UNINCORPORATED AREAS OF CERTAIN COUNTIES. (a) Authorizes the commissioners court of a certain county to take certain actions by order, in order to help provide for the public health and safety of its citizens and in order to help deter the dumping of certain types of waste in state-owned public beaches and adjoining sand dunes.

(b) Authorizes certain entities to collect a solid waste disposal service fee (service fee) for a service provided under this section.

(c) Authorizes a county to contract with a public or private entity to collect a service fee. Sets forth certain provisions for such a contract.

(d) Authorizes a county or the contracted utility to suspend service to a person who is delinquent in payment of service fees until the delinquent claim is fully paid. Authorizes a public or private utility to suspend service of that utility, in addition to the suspension of solid waste disposal services, to a person who is delinquent in the payment of the service fee until the delinquent claim is fully paid.

SECTION 4. Effective date: upon passage or September 1, 2007.