

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 594
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Intergovernmental Relations
3/29/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 77th Legislature revised Section 364.034, Health and Safety Code, which relates to solid waste disposal services provided or authorized by a public agency or county or its contractor. This allowed a public agency or county to offer solid waste disposal services to persons in its territory and to collect fees for the solid waste disposal services, granted specific powers to aid in enforcing the fee collection, and did not apply to a person receiving solid waste disposal services from another entity.

The 78th Legislature revised Section 364.034, Health and Safety Code, providing that nothing in the code limits the authority of a municipality to enforce its grant of franchise for solid waste disposal services in its territory. As a result, some courts have construed this amendment to prohibit competition for solid waste disposal services.

C.S.S.B. 594 clarifies the original intent to allow for competition for solid waste disposal services providing that no person is prohibited from receiving solid waste disposal services from an entity other than a public agency or county, or its contractor.

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 364.034(e), Health and Safety Code, as follows:

(e) Requires that, except as provided by Subsection (f), nothing in this section limits a municipality's authority to enforce its grant of a franchise for solid waste collection and transportation services within its territory.

(f) Prohibits a political subdivision, including a county or a 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 grease trap waste, grit trap waste, lint trap waste, or sand trap waste, notwithstanding Subsections (a)-(e).

SECTION 2. Effective date: upon passage or September 1, 2007.