

**SUBJECT:** Allowing public agencies to contract for solid waste services

**COMMITTEE:** Environmental Regulation — favorable, without amendment

**VOTE:** 8 ayes — Chisum, Jackson, Dukes, Howard, Kuempel, Saunders, Talton, Yost

0 nays

1 absent — Stiles

**SENATE VOTE:** On final passage, April 6 — 30-0

**WITNESSES:** For — Monte Akers, Texas Municipal League, Robert A. Miller, Waste Management of Texas, L.J. Cott, City of Helotes

Against — None

**DIGEST:** SB 1371 would amend the Health and Safety Code to allow a public agency to contract with another public agency or private contractor to furnish solid waste collection, transportation or disposal services.

A municipality's contract with a public agency or a private contractor to collect, transport, handle, store or dispose of solid waste entered into prior to the bill's effective date would be validated. The bill would take immediate effect if approved by two thirds of the membership of each house.

**SUPPORTERS SAY:** SB 1371 is needed to clarify that the 879 general law municipalities have authority to contract with a private company that provides solid waste services. While general law municipalities have interpreted current law allowing them to provide for the "well being and safety" of their citizens as granting authority to contract with a private company for solid waste services, a court has ruled otherwise.

The bill would allow many general law cities to continue what they are already doing: contracting for waste disposal services. It would prevent lawsuits such as the recent case involving the City of Helotes from recurring in other cities.

Helotes was sued by a local resident who refused to pay a garbage collection fee because the resident maintained the city did not have the authority to contract with a private company nor the authority to fine a resident for failing to pay the private company the garbage collection fee. A San Antonio Court of Appeals ruled that general law municipalities, which derive their authority from statute rather than a home-rule charter, are not authorized to contract with other public agencies or with a private contractor for garbage collection without explicit statutory authority.

In the last 10 years, landfills have decreased from over 900 in 1986 to approximately 225 in 1995. Most cities, counties and regional governments have closed their landfills and are contracting with private solid waste companies. Without this bill, hundreds of contracts by general law cities could be declared void. General law municipalities will have no choice but to dispose of their garbage illegally or spend millions of dollars to open and maintain landfills.

OPPONENTS  
SAY:

No apparent opposition