

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1251
By: Bonnen (Wentworth)
Intergovernmental Relations
5/3/2007
Committee Report (Substituted)

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.

C.S.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 364.034, Health and Safety Code, by amending Subsection (e) and adding Subsections (f), 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.

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