

BILL ANALYSIS

Senate Research Center
80R8626 JJT-D

S.B. 1589
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Municipalities and counties with populations over 30,000 must assure that solid waste collection services are provided to all persons under the jurisdiction of the county or municipality. Chapter 364 (County Solid Waste), Health and Safety Code, permits a county to offer and require the use of solid waste disposal services within its territory and to charge a reasonable fee for the service. This helps to maintain the health and safety of the community and avoids the illegal dumping and burning of residential trash. Under Section 364.034(e) (Solid Waste Disposal Services: Fees), Health and Safety Code, individuals who have entered into a pre-existing solid waste collection agreement with a third party are exempt from receiving county-mandated solid waste services. This provision has hampered the efforts of counties to ensure that all residents receive and utilize solid waste disposal services as residents may sign up for a service and then discontinue it shortly thereafter.

As proposed, S.B. 1589 helps to enforce the requirement that all residents utilize a solid waste disposal service. Additionally, the amendment provides that a violation of a county order adopted pursuant to Chapter 364, Health and Safety Code, is a Class C misdemeanor.

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 Subsection (f), as follows:

(e) Includes a county as an entity whose authority to enforce a grant of franchise for solid waste collection and transportation services within its territory is not limited by this section. Deletes existing text providing that this section does not apply to a person who provides certain entities with written documentation that the person is receiving solid waste disposal services from another entity.

(f) Authorizes a county that requires persons in the county to use the county's solid waste disposal by order to provide in the order that a violation of the order is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2007.