

BILL ANALYSIS

C.S.H.B. 1251
By: Bonnen
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2001, the 77th Texas Legislature revised Section 364.034 of the Health & Safety Code. This section relates to solid waste disposal services provided or authorized by a public agency or county, or its contractor. The 2001 law, as amended, 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. The law also granted specific powers to aid in enforcing the fee collection. The 2001 law did not apply to any person receiving solid waste disposal services from another entity.

In 2003, the 78th Texas Legislature revised Section 364.034 of the Health & Safety Code again. This revision added a single sentence ensuring nothing in Section 364.034 of the Code will limit the authority of a municipality to enforce its grant of a franchise for solid waste disposal services in its territory. The rest of Section 364.034 remained unaffected. Some courts have construed the 2003 amendment to prohibit competition for grease and grit trap disposal services.

CSHB 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

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 1251 amends the Health and Safety Code to prohibit a political subdivision from restricting the right of an entity to contract with a licensed waste hauler to collect and remove domestic septage, grease, grit, lint and sand trap waste.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1251 modifies the original by adding Subsection 364.034 (f) to the Health and Safety Code. The substitute makes conforming changes.