

By: Bonnen

H.B. No. 1251

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a public agency's, county's, or municipality's
3 authority to grant or enforce certain solid waste collection and
4 transportation services franchises.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 363.116, Health and Safety Code, is
7 amended by adding Subsections (c) and (d) to read as follows:

8 (c) Notwithstanding Subsection (a), a public agency may
9 enter into a contract for an exclusive franchise for the collection
10 and removal of grease trap waste or grit trap waste only after a
11 competitive bidding process. A public agency shall consider as the
12 primary factor in awarding a contract under this subsection the
13 bidder's ability to provide the collection and removal services at
14 the lowest cost to the generator of the grease trap waste or grit
15 trap waste.

16 (d) A public agency may not restrict the right of an entity
17 to contract with a licensed waste hauler for the collection and
18 removal of domestic septage or of grease trap waste, grit trap
19 waste, lint trap waste, or sand trap waste.

20 SECTION 2. Section 364.034, Health and Safety Code, is
21 amended by amending Subsection (e) and adding Subsections (f) and
22 (g) to read as follows:

23 (e) This section does not apply to a person who provides the
24 public or private entity, public agency, or county with written

1 documentation that the person is receiving solid waste disposal
2 services from another entity. Except as provided by Subsection
3 (f), nothing [~~Nothing~~] in this section shall limit the authority of
4 a municipality to enforce its grant of a franchise for solid waste
5 collection and transportation services within its territory.

6 (f) Notwithstanding Subsections (a)-(e), a political
7 subdivision, including a county or a municipality, may not restrict
8 the right of an entity to contract with a licensed waste hauler for
9 the collection and removal of domestic septage or of grease trap
10 waste, grit trap waste, lint trap waste, or sand trap waste.

11 (g) A public agency may enter into a contract for an
12 exclusive franchise for the collection and removal of grease trap
13 waste or grit trap waste only after a competitive bidding process.
14 A public agency shall consider as the primary factor in awarding a
15 contract under this subsection the bidder's ability to provide the
16 collection and removal services at the lowest cost to the generator
17 of the grease trap waste or grit trap waste.

18 SECTION 3. Subchapter C, Chapter 364, Health and Safety
19 Code, is amended by adding Section 364.0341 to read as follows:

20 Sec. 364.0341. SERVICES IN UNINCORPORATED AREAS OF CERTAIN
21 COUNTIES. (a) In order to help provide for the public health and
22 safety of its citizens and in order to help deter the dumping of
23 litter, garbage, refuse, building materials, and other matter on
24 state-owned public beaches and adjoining sand dunes, the
25 commissioners court of a county bordering both on the shoreline of
26 the Gulf of Mexico or its tidewater limits and on the shoreline of
27 Galveston Bay or its tidewater limits by order may:

1 (1) grant an exclusive franchise for solid waste
2 collection and transportation services within unincorporated areas
3 of the county to a legal entity engaged in providing solid waste
4 disposal services;

5 (2) offer solid waste disposal service to persons in
6 the unincorporated areas of the county;

7 (3) mandate the use of the service by persons in the
8 unincorporated areas of the county;

9 (4) charge fees for the service; and

10 (5) establish the service as a utility separate from
11 other utilities located in the unincorporated areas of the county.

12 (b) A fee for a service provided under this section may be
13 collected by:

14 (1) the county;

15 (2) a private or public utility that contracts with
16 the county to provide the service; or

17 (3) another private or public entity that contracts
18 with the county to collect the fees.

19 (c) A county may contract with a public or private utility
20 to collect a fee for a service provided under this section. The
21 contract may:

22 (1) require that the fee for the service be included in
23 the bill for other utility services;

24 (2) allow a fee to be paid to the utility for billing
25 and collecting the fee;

26 (3) require a system of accounting for fees collected
27 by an entity other than the county; and

1 (4) contain other terms as agreed to by the parties.

2 (d) To aid enforcement of the fee collection for the solid
3 waste disposal service:

4 (1) a county or the public or private entity that has
5 contracted with the county to provide the service may suspend
6 service to a person who is delinquent in payment of solid waste
7 disposal service fees until the delinquent claim is fully paid; and

8 (2) a public or private utility that bills and
9 collects solid waste disposal service fees under this section may
10 suspend service of that utility, in addition to the suspension of
11 solid waste disposal services, to a person who is delinquent in the
12 payment of the solid waste disposal service fee until the
13 delinquent claim is fully paid.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2007.