

AN ACT

relating to a public agency's, county's, or municipality's authority to enforce a solid waste collection and transportation services franchise or contract.

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

SECTION 1. Section 364.034, Health and Safety Code, is amended by amending Subsection (e) and adding Subsections (f), (g), and (h) to read as follows:

(e) Except as provided by Subsections (f), (g), and (h), this [This] section does not apply to a person who provides the public or private entity, public agency, or county with written documentation that the person is receiving solid waste disposal services from another entity. Nothing in this section shall limit the authority of a public agency, including a county or a municipality, to enforce its grant of a franchise or contract for solid waste collection and transportation services within its territory. Except as provided by Subsection (f), the governing body of a municipality may provide that a franchise it grants or a contract it enters into for solid waste collection and transportation services under this subchapter or under other law supersedes inside of the municipality's boundaries any other franchise granted or contract entered into under this subchapter.

(f) Notwithstanding the other provisions of this section, a political subdivision, including a county or a municipality, may

1 not restrict the right of an entity to contract with a licensed
2 waste hauler for the collection and removal of domestic septage or
3 of grease trap waste, grit trap waste, lint trap waste, or sand trap
4 waste.

5 (g) Except as provided by this subsection, a person is
6 exempt from the application of a requirement adopted by a public
7 agency or county under Subsection (a) if the person, on the date the
8 requirement is adopted, is receiving under a contract in effect on
9 that date solid waste disposal services at a level that is the same
10 as or higher than the level of services that otherwise would be
11 required. The exception provided by this subsection does not apply
12 to a requirement adopted under this section by a municipality. To
13 qualify for the exemption provided by this subsection, the person
14 must provide to the public agency or county written documentation
15 acceptable to the public agency or county not later than the 30th
16 day before the date the otherwise required services are scheduled
17 to begin. The person who provides solid waste disposal services to
18 a person who qualifies for the exemption shall notify the public
19 agency or county that the services under the contract have stopped
20 not later than the 15th day after the date those services are
21 stopped for any reason.

22 (h) This section does not apply to a private entity that
23 contracts to provide temporary solid waste disposal services to a
24 construction project.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 1251

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1251 was passed by the House on April 12, 2007, by the following vote: Yeas 130, Nays 10, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1251 on May 18, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1251 on May 27, 2007, by the following vote: Yeas 135, Nays 5, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1251

I certify that H.B. No. 1251 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1251 on May 26, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor