

By: Bonnen

H.B. No. 1251

Substitute the following for H.B. No. 1251:

By: Hancock

C.S.H.B. No. 1251

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

9 (e) This section does not apply to a person who provides the  
10 public or private entity, public agency, or county with written  
11 documentation that the person is receiving solid waste disposal  
12 services from another entity. Except as provided by Subsection  
13 (f), nothing [~~Nothing~~] in this section shall limit the authority of  
14 a municipality to enforce its grant of a franchise for solid waste  
15 collection and transportation services within its territory.

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

21 SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.