

1-1 By: Bonnen (Senate Sponsor - Wentworth) H.B. No. 1251
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 3, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 3, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1251 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a public agency's, county's, or municipality's
1-11 authority to enforce a solid waste collection and transportation
1-12 services franchise.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 364.034, Health and Safety Code, is
1-15 amended by amending Subsection (e) and adding Subsection (f) to
1-16 read as follows:

1-17 (e) This section does not apply to a person who provides the
1-18 public or private entity, public agency, or county with written
1-19 documentation that the person is receiving solid waste disposal
1-20 services from another entity. Except as provided by Subsection
1-21 (f), nothing [Nothing] in this section shall limit the authority of
1-22 a municipality to enforce its grant of a franchise for solid waste
1-23 collection and transportation services within its territory.

1-24 (f) Notwithstanding Subsections (a)-(e), a political
1-25 subdivision, including a county or a municipality, may not restrict
1-26 the right of an entity to contract with a licensed waste hauler for
1-27 the collection and removal of domestic septage or of grease trap
1-28 waste, grit trap waste, lint trap waste, or sand trap waste.

1-29 SECTION 2. This Act takes effect immediately if it receives
1-30 a vote of two-thirds of all the members elected to each house, as
1-31 provided by Section 39, Article III, Texas Constitution. If this
1-32 Act does not receive the vote necessary for immediate effect, this
1-33 Act takes effect September 1, 2007.

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