

By: Bonnen

H.B. No. 3779

A BILL TO BE ENTITLED

AN ACT

relating to municipal authority to sell compost and mulch products.

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

SECTION 1. Section 361.428, Health and Safety Code, is amended by adding Subsection (f)-(i) to read as follows:

(f) A municipality may engage in the sale of compost or mulch products only if they have previously adopted procedures to apply compost or mulch to all city owned property where feasible.

(g) A municipality that is engaged in the sale of compost or mulch may not charge a price that is lower than the average of the prices offered by three private businesses to sell compost or mulch to customers inside the corporate limits of the municipality.

(h) A municipality may not engage in the advertising or marketing of compost or mulch to any person who resides or business that operates outside the corporate limits of the municipality.

(i) Notwithstanding other law, this section does not prohibit a municipality from offering compost or mulch free of charge to residents of the municipality.

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