

By: Shapleigh

S.B. No. 1589

A BILL TO BE ENTITLED

AN ACT

1
2 relating to municipal and county authority to enforce a solid waste
3 collection and transportation services franchise; providing a
4 penalty.

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

6 SECTION 1. Section 364.011, Health and Safety Code, is
7 amended by adding Subsection (e) to read as follows:

8 (e) A violation of a rule adopted under this section is a
9 Class C misdemeanor punishable by a fine in an amount not to exceed
10 \$200. Each day of a continuing violation constitutes a separate
11 offense.

12 SECTION 2. Section 364.034, Health and Safety Code, is
13 amended by amending Subsection (e) and adding Subsection (f) to
14 read as follows:

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

22 (f) A person who is receiving solid waste disposal services
23 at the same level or a higher level of services as the otherwise
24 required services under a written contract that is in effect on the

1 date a requirement under this section is adopted is exempt from the
2 requirement. To qualify for the exemption provided by this
3 subsection, the person must provide to the public agency or county
4 written documentation acceptable to that agency or county not later
5 than the 30th day before the date the otherwise required services
6 are scheduled to begin. The exemption is effective only until the
7 date the term of that contract expires according to the terms of
8 that contract as provided on the date the requirement is adopted.
9 This subsection does not exempt from the adopted requirement a
10 person whose contract is extended, by option or otherwise, after
11 the date the requirement is adopted. The person who provides solid
12 waste disposal services to a person who qualifies for the exemption
13 shall notify the public agency or county that the services under the
14 contract have stopped not later than the 15th day after the date
15 those services are stopped for any reason.

16 SECTION 3. This Act takes effect September 1, 2007.