

**House Bill 1251**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 363.116, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding Subsection (a), a public agency may enter into a contract for an exclusive franchise for the collection and removal of grease trap waste or grit trap waste only after a competitive bidding process. A public agency shall consider as the primary factor in awarding a contract under this subsection the bidder's ability to provide the collection and removal services at the lowest cost to the generator of the grease trap waste or grit trap waste.

(d) A public agency may not restrict the right of an entity to contract with a licensed waste hauler for the collection and removal of domestic septage or of grease trap waste, grit trap waste, lint trap waste, or sand trap waste.

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

(e) 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. Except as provided by Subsection (f), nothing [Nothing] in this section shall limit the authority of a municipality to enforce its grant of a franchise for solid waste collection

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No equivalent provision.

CONFERENCE

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

(e) Except as provided by Subsections (f) and (g), nothing [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 for solid waste

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and transportation services within its territory.

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

(g) A public agency may enter into a contract for an exclusive franchise for the collection and removal of grease trap waste or grit trap waste only after a competitive bidding process. A public agency shall consider as the primary factor in awarding a contract under this subsection the bidder's ability to provide the collection and removal services at the lowest cost to the generator of the grease trap waste or grit trap waste.

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

(g) Except as provided by this subsection, a person is exempt from the application of a requirement adopted by a public agency or county under Subsection (a) if the person, on the date the requirement is adopted, is receiving under a contract in effect on that date solid waste disposal services at a level that is the same as or higher than the level of services that otherwise would be required. The exception provided by this subsection does not apply to a requirement adopted under this section by a municipality. To qualify for the exemption provided by this subsection, the person must provide to the public agency or county written documentation acceptable to the public agency or county not later than the 30th day before the date the otherwise required

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services are scheduled to begin. The person who provides solid waste disposal services to a person who qualifies for the exemption shall notify the public agency or county that the services under the contract have stopped not later than the 15th day after the date those services are stopped for any reason.

SECTION 3. Subchapter C, Chapter 364, Health and Safety Code, is amended by adding Section 364.0341 to read as follows:

Sec. 364.0341. SERVICES IN UNINCORPORATED AREAS OF CERTAIN COUNTIES. (a) In order to help provide for the public health and safety of its citizens and in order to help deter the dumping of litter, garbage, refuse, building materials, and other matter on state-owned public beaches and adjoining sand dunes, the commissioners court of a county bordering both on the shoreline of the Gulf of Mexico or its tidewater limits and on the shoreline of Galveston Bay or its tidewater limits by order may:

- (1) grant an exclusive franchise for solid waste collection and transportation services within unincorporated areas of the county to a legal entity engaged in providing solid waste disposal services;
- (2) offer solid waste disposal service to persons in the unincorporated areas of the county;
- (3) mandate the use of the service by persons in the unincorporated areas of the county;
- (4) charge fees for the service; and

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(5) establish the service as a utility separate from other utilities located in the unincorporated areas of the county.

(b) A fee for a service provided under this section may be collected by:

(1) the county;

(2) a private or public utility that contracts with the county to provide the service; or

(3) another private or public entity that contracts with the county to collect the fees.

(c) A county may contract with a public or private utility to collect a fee for a service provided under this section.

The contract may:

(1) require that the fee for the service be included in the bill for other utility services;

(2) allow a fee to be paid to the utility for billing and collecting the fee;

(3) require a system of accounting for fees collected by an entity other than the county; and

(4) contain other terms as agreed to by the parties.

(d) To aid enforcement of the fee collection for the solid waste disposal service:

(1) a county or the public or private entity that has contracted with the county to provide the service may suspend service to a person who is delinquent in payment of solid waste disposal service fees until the delinquent claim is fully paid; and

(2) a public or private utility that bills and collects solid waste disposal service fees under this section may suspend service of that utility, in addition to the suspension of solid waste disposal services, to a person

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who is delinquent in the payment of the solid waste disposal service fee until the delinquent claim is fully paid.

SECTION 4. 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.

SENATE VERSION

SECTION 2. Same as House version.

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