

## **BILL ANALYSIS**

C.S.H.B. 1590  
By: Cortez  
Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, a private third-party waste disposal service company may provide temporary solid waste disposal services to a construction project without registering with a municipality or paying any franchise fees to the municipality. Interested parties contend that small municipalities across the state have been forced to decide between the costs associated with initiating legal proceedings against third-party companies allegedly exceeding this authorization and the costs of allowing these third-party companies to compete with a municipal solid waste franchisee. C.S.H.B. 1590 seeks to require temporary solid waste disposal providers in certain small, fast-growing municipalities to follow the same guidelines as permanent waste disposal providers.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1590 amends the Health and Safety Code to establish that the exemption from certain municipal and county solid waste disposal service requirements for a private entity that contracts to provide temporary solid waste disposal services to a construction project does not apply to a private entity that contracts to provide such services to a construction project located in a municipality that has a population of less than 10,000; that had population growth, according to the most recent federal decennial census, of more than 20 percent during the decade preceding the census; and that is located in a county that has a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1590 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Section 364.034(h), Health and Safety Code, is amended to read as follows:

(h) This section does not apply to a private entity that contracts to provide temporary

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 364.034(h), Health and Safety Code, is amended to read as follows:

(h) This section does not apply to a private entity that contracts to provide temporary

solid waste disposal services to a construction project unless the project is located in a municipality that:

(1) has a population of more than 7,000 but less than 8,000;

(2) according to the most recent federal decennial census, had population growth of more than 20 percent during the decade preceding the most recent federal decennial census; and

(3) is located in a county that has a population of more than 1.5 million in which more than 75 percent of the population lives in a single 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, 2013.

solid waste disposal services to a construction project unless the project is located in a municipality that:

(1) has a population of less than 10,000;

(2) according to the most recent federal decennial census, had population growth of more than 20 percent during the decade preceding the most recent federal decennial census; and

(3) is located in a county that has a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality.

SECTION 2. Same as introduced version.