

BILL ANALYSIS

Senate Research Center

H.B. 3059
By: King (Wentworth)
Natural Resources
5-17-97
Engrossed

DIGEST

During the 74th Legislature, the speaker of the Texas House of Representatives charged the House Committee on Natural Resources to conduct an interim study to review the on-site wastewater treatment program, and identify measures to decentralize state authority, and increase local government participation. The House Committee on Natural Resources was further charged to report findings and recommendations from this study to the 75th Legislature. This bill addresses findings and recommendations from the House Committee on Natural Resources regarding the interim study of the on-site wastewater program in Texas.

PURPOSE

As proposed, H.B. 3059 addresses findings and recommendations from the House Committee on Natural Resources regarding the interim study of the on-site wastewater program in Texas.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 366.002(5) and (7), to redefine "local governmental entity," and "on-site sewage disposal system."

SECTION 2. Amends Chapter 366A, Health and Safety Code, by adding Section 366.005, as follows:

Sec. 366.005. NOTICE OF UTILITY SERVICE CONNECTIONS. Sets forth provisions relating to the compiled weekly list of addresses located in an unincorporated area of the county at which the electric utility has made new electric service connections during the preceding week. Sets forth provisions relating to electric utilities. Provides that information provided by a utility under this section is confidential and not subject to disclosure under Chapter 552, Government Code, or otherwise, except as provided by this section. Defines "electric utility."

SECTION 3. Amends Section 366.017(a), Health and Safety Code, to authorize the Texas Natural Resource Conservation Commission (commission) or authorized agency to require a property owner to repair a malfunctioning on-site sewage disposal system on the owner's property, by a certain date, if the owner has not been notified of the malfunctioning system during the preceding 12 months. Sets forth provisions for the commission to require a property owner to repair a malfunctioning on-site sewage disposal system by the 10th and 20th day after the owner is notified, if certain conditions apply.

SECTION 4. Amends Chapter 366D, Health and Safety Code, by adding Section 366.0515, as follows:

Sec. 366.0515. MAINTENANCE CONTRACT AND PERFORMANCE BOND. Prohibits an authorized agent or the commission from conditioning a permit or the approval of a permit for an on-site sewage disposal system using aerobic treatment for a single-family residence

located in a county with a population of less than 40,000 on the system's owner contracting for the maintenance of the system. Authorizes the commission or the agent to condition approval of a permit for an on-site sewage disposal system on the system's owner contracting for the maintenance of the system, except as provided by Subsection (a). Sets forth provisions relating to maintenance contracts and performance bonds.

SECTION 5. Amends Section 366.092(a), Health and Safety Code, to authorize an authorized agent or, at the request of the commission, the attorney general to bring a civil suit, if certain conditions exist.

SECTION 6. Amends Section 366.0922, Health and Safety Code, as follows:

Sec. 366.0922. New heading: COMMISSION ENFORCEMENT AT LOCAL GOVERNMENT REQUEST. Authorizes a local government to request that the commission initiate an enforcement action under this chapter through a petition filed with the commission. Deletes a provision requiring the commission to be the sole authority designated to initiate an enforcement action under Sections 366.092, 366.0921, and 366.0924.

SECTION 7. Amends Section 366.0923, Health and Safety Code, to make a conforming change.

SECTION 8. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 9. Emergency clause.