

BILL ANALYSIS

Senate Research Center

H.B. 320
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Natural Resources
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Engrossed

DIGEST

Currently, the Texas Natural Resource Conservation Commission (TNRCC) has identified faulty septic tank systems, located over aquifer recharge zones, as major pollutants to aquifers. TNRCC would like to close these septic tanks systems and have properties dispose of sewage through a municipal sewer system. However, the construction costs incurred under such a process are high. This bill provides an alternative funding option that qualifying municipalities could provide to property owners under certain conditions.

PURPOSE

As proposed, S.B. 1554 allows municipalities to preserve water quality by constructing sewer lines that connect private property currently using septic tank systems to main sewer laterals and closing or removing septic tank systems.

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 Chapter 402Z, Local Government Code, by adding Section 402.906, as follows:

Sec. 402.906. CONSTRUCTION OF WATER OR WASTEWATER IMPROVEMENTS TO PRESERVE WATER QUALITY OF AQUIFER. (a) Provides that this section applies only to territory located in a municipality or in the extraterritorial jurisdiction of a municipality and located over the recharge zone of an aquifer that provides all or part of the water supply of the municipality.

(b) Authorizes the municipality or a person with whom the municipality contracts to perform certain functions to preserve the quality of the aquifer.

(c) Requires the municipality to assess the cost of the water or wastewater improvements under Subsection (b)(1) or Subsections (b)(1) and (b)(2), as applicable, against the property on which the lateral is located. Provides that a lien attaches to the property for the cost of the improvements.

(d) Requires the municipality to give notice to the property owner and obtain the property owner's written consent to the activity to be performed and to the amount of the assessment.

(e) Requires the notice to state certain information. Requires the municipality to give the notice to the owner by personal delivery or by depositing the notice in the United States mail with postage prepaid.

(f) Requires the owner's written consent to provide certain information in order to be considered valid.

(g) Requires the municipality to file the written consent of the property owner with the municipal clerk or secretary.

(h) Requires a contract to be awarded in compliance with the competitive bidding requirements applicable to the municipality under certain conditions. Requires the provisions of the contract to comply with any law applicable to the construction of public improvements by the municipality. Authorizes the contract to be changed as necessary for the successful completion of the work, but prohibits the contract price from increasing by more than a certain amount.

(i) Requires the municipality to issue a certificate certifying that the work has been completed and the cost of the improvements, when the work is completed. Requires the municipality to file the certificate with the county clerk of the county in which the property is located and to deliver a copy of the certificate to the property owner. Requires the certificate to contain the legal description of the land and name of the property owner. Requires the lien created pursuant to this section to attach and arise when the certificate is recorded in the real property records. Provides that the lien is binding on certain persons.

(j) Requires the property owner, on a certain date, to pay the municipality a certain amount. Requires the municipality to issue a release on the assessment and lien upon payment of the principal amount and accrued interest. Authorizes the release to be filed for record as provided by law.

(k) Authorizes the municipality to enforce the lien on the property under certain conditions.

SECTION 2. Emergency clause.

Effective date: upon passage.