

BILL ANALYSIS

Senate Research Center
76R1798 MI-D

H.B. 1654
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Natural Resources
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Engrossed

DIGEST

Prior to 1996, criminal prosecutions were authorized for violations of state or county regulations regarding on-site sewage disposal systems. The local county health and human services department enforced the rules by approving the design, inspecting the installation, and responding to complaints involving the operation of these systems. Justice of the peace courts maintained enforcement through the filing of criminal complaints. However, in 1996, sections of the Water Code and the Health and Safety Code were repealed, and criminal prosecutions were no longer possible. H.B. 1654 would reinstate the authority for county attorneys to prosecute violations of these regulations.

PURPOSE

As proposed, H.B. 1654 authorizes county attorneys to prosecute certain violations regarding the regulation of private sewage facilities, and provides a criminal penalty.

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 7E, Water Code by adding Section 7.1735, as follows:

Sec. 7.1735. VIOLATION OF RULE OR ORDER RELATING TO SEWAGE DISPOSAL SYSTEM. Provides that a person commits an offense if the person violates a rule adopted by the Texas Natural Resource Conservation Commission under Chapter 366, Health and Safety Code (On-Site Sewage Disposal Systems), or an order or resolution adopted by an authorized agent under Chapter 366C, Health and Safety Code (Designation of Local Government Entity as Authorized Agent).

SECTION 2. Amends Section 7.189, Water Code, to provide that venue for prosecution of alleged violations described by Section 7.1735, Water Code, is in justice court.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.