

Suspending limitations on conference committee
jurisdiction, H.B. No. 2510 (Bonnen/M. Jackson)

By: Bonnen

H.R. No. 2237

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 79th Legislature, Regular Session, 2005, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 2510 (regulation of on-site
6 sewage disposal systems and the maintenance of those systems;
7 imposing administrative and criminal penalties) to consider and
8 take action on the following matters:

9 (1) House Rule 13, Section 9(a)(4), is suspended to permit
10 the committee to add new Subsections (h), (i), and (j), Section
11 366.0515, Health and Safety Code, to read as follows:

12 (h) If the owner of an on-site sewage disposal system using
13 aerobic treatment for a single-family residence elects to maintain
14 the system directly, the owner must obtain from the manufacturer or
15 installer of the system an amount of on-site training specified by
16 commission rule not to exceed six hours, either at the time of
17 acceptance of the system from the installer or at the time of an
18 on-site maintenance visit by a maintenance company under the
19 initial term of the maintenance contract for the system, if
20 applicable. The training must include instruction regarding the
21 importance to public health and safety of proper maintenance of the
22 system and a demonstration of the procedure for performing a
23 scheduled maintenance. On the owner's completion of the training,
24 the manufacturer or installer shall provide the owner with a

1 certificate or letter stating that the owner has received the
2 required training. An owner who elects to maintain the owner's
3 system is subject to any inspection and reporting requirements
4 imposed by an authorized agent or the commission under Subsection
5 (k) applicable to a maintenance company that contracts to maintain
6 a system. If the residence is sold, the new owner, not later than
7 the 30th day after the date the owner takes possession of the
8 property, must obtain the training required by this subsection from
9 an installer certified by the manufacturer of the system under
10 Subsection (n) or contract with a maintenance company for the
11 maintenance of the system.

12 (i) An authorized agent or the commission may periodically
13 inspect an on-site sewage disposal system using aerobic treatment
14 for a single-family residence that is maintained directly by the
15 owner of the system. The commission by rule may specify the
16 procedure for conducting the inspections and the frequency with
17 which inspections must be conducted, except that inspections may
18 not be required more often than once every five years.

19 (j) Notwithstanding Subsections (a) and (b), an authorized
20 agent or the commission may condition the permit or the approval of
21 a permit for an on-site sewage disposal system using aerobic
22 treatment for a single-family residence on the owner's contracting
23 with a maintenance company for the maintenance of the system if:

24 (1) the authorized agent or commission determines that
25 the system is a nuisance or has failed a periodic inspection under
26 Subsection (i);

27 (2) the owner fails to timely inspect the system or

1 submit a report on the inspection as required by Subsection (k), if
2 applicable, for three consecutive intervals; or

3 (3) the owner is notified under Section 366.017 at
4 least three times during a 12-month period that the system is
5 malfunctioning.

6 Explanation: The change is necessary to require an owner of
7 an on-site sewage disposal system using aerobic treatment for a
8 single-family residence who elects to maintain the system directly
9 to obtain training in system maintenance from the manufacturer or
10 installer of the system, to provide that the owner is subject to the
11 same inspection and reporting requirements as apply to a
12 maintenance company that contracts to maintain a system, to permit
13 an authorized agent or the commission to periodically inspect the
14 system, and to permit an authorized agent or the commission to
15 condition the permit for the system on the owner's contracting with
16 a maintenance company for the maintenance of the system if the
17 system is determined to be a nuisance or fails an inspection, the
18 owner fails to inspect the system or report on inspections, or the
19 owner is notified that the system is malfunctioning.

20 (2) House Rule 13, Section 9(a)(1), is suspended to permit
21 the committee to change the text of Section 6 of the bill to read as
22 follows:

23 SECTION 6. The Texas Commission on Environmental Quality
24 shall be prepared to accept applications for licenses or
25 registrations described by Section 366.071(a), Health and Safety
26 Code, as amended by this Act, not later than March 1, 2006.

27 Explanation: The change is necessary to postpone until March

1 1, 2006, the deadline by which the Texas Commission on
2 Environmental Quality shall be prepared to accept licenses or
3 registrations for persons who service or maintain on-site sewage
4 disposal systems.

5 (3) House Rule 13, Section 9(a)(1), is suspended to permit
6 the committee to change the text of Section 7(b) of the bill to read
7 as follows:

8 (b) Section 2 of this Act takes effect September 1, 2006.

9 Explanation: The change is necessary to postpone until
10 September 1, 2006, the deadline by which a person must hold a
11 license or registration to service or maintain an on-site sewage
12 disposal system.