

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

By: Jackson

S.R. No. 1095

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 79th Legislature, Regular Session, 2005, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2510 (regulation of on-site sewage disposal systems and the maintenance of those systems; imposing administrative and criminal penalties) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add new Subsections (h), (i), and (j), Section 366.0515, Health and Safety Code, to read as follows:

(h) If the owner of an on-site sewage disposal system using aerobic treatment for a single-family residence elects to maintain the system directly, the owner must obtain from the manufacturer or installer of the system an amount of on-site training specified by commission rule not to exceed six hours, either at the time of acceptance of the system from the installer or at the time of an on-site maintenance visit by a maintenance company under the initial term of the maintenance contract for the system, if applicable. The training must include instruction regarding the importance to public health and safety of proper maintenance of the system and a demonstration of the procedure

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

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

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

(1) the authorized agent or commission determines

that the system is a nuisance or has failed a periodic inspection under Subsection (i);

(2) the owner fails to timely inspect the system or submit a report on the inspection as required by Subsection (k), if applicable, for three consecutive intervals; or

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

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

(2) Senate Rule 12.03(1) is suspended to permit the committee to change the text of Section 6 of the bill to read as follows:

SECTION 6. The Texas Commission on Environmental Quality shall be prepared to accept applications for licenses or registrations described by Section 366.071(a), Health and Safety

Code, as amended by this Act, not later than March 1, 2006.

Explanation: The change is necessary to postpone until March 1, 2006, the deadline by which the Texas Commission on Environmental Quality shall be prepared to accept licenses or registrations for persons who service or maintain on-site sewage disposal systems.

(3) Senate Rule 12.03(1) is suspended to permit the committee to change the text of Subsection (b), Section 7 of the bill to read as follows:

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

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

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 29, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate