

BILL ANALYSIS

S.B. 634
By: Davis
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, in unincorporated county areas, when a property owner's septic system malfunctions and overflows onto the property—directly affecting neighboring properties with odors and vermin—the county has no means of enforcing an order for the property owner to clean and repair the septic overflow.

S.B. 634 defines a surface discharge from an on-site sewage disposal as a "public nuisance" and allows the county to use any means of abatement reasonably necessary to bring the overflowing septic system into compliance after, and only after, the property owner fails to abate the nuisance as ordered by a court.

As proposed, S.B. 634 amends current law relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance, and provides a criminal penalty.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 343.011(c), Health and Safety Code, as follows:

(c) Provides that a public nuisance is:

(1)-(12) Makes no changes to these subdivisions; or

(13) surface discharge from an on-site sewage disposal system as defined by Section 366.002 (Definitions).

SECTION 2. Amends Section 343.021, Health and Safety Code, as follows:

Sec. 343.021. AUTHORITY TO ABATE NUISANCE. (a) Creates this subsection from existing text. Authorizes a county, if the county adopts abatement procedures that are consistent with the general purpose of this chapter and that conform to this chapter, to abate a nuisance under this chapter by certain means, including by demolition or removal, except as provided by Subsection (b).

(b) Authorizes a county to use any means of abatement reasonably necessary to bring the system into compliance with Chapter 366 (On-Site Sewage Disposal Systems), in the case of a nuisance under Section 343.011(c)(13), only after the defendant fails to abate the nuisance as ordered by the court under Section 343.012(e) (relating to a court order to abate a nuisance if a defendant is convicted of an offense).

EFFECTIVE DATE

September 1, 2013.