

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB634 by Davis (Relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance; providing a criminal penalty.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 343 of the Health and Safety Code to include surface discharge from an on-site sewage disposal system as a public nuisance. A county that has adopted procedures that are consistent with this chapter would be authorized to abate the nuisance by any means reasonably necessary to bring the on-site sewage disposal system into compliance only after a defendant fails to abate as ordered by the court.

An offense under this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200. If it is shown on the trial of the defendant that the defendant has been previously convicted of an offense under this section, the defendant is punishable by a fine of not less than \$200 or more than \$1,000, confinement in jail for not more than six months, or both.

Local Government Impact

There could be costs to a county that abates an on-site sewage disposal system and to bring the system into compliance; however, the amounts would vary depending on the number of abatements performed and the cost to bring a system into compliance.

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, KKR, TP