

All Published Pre-filed Amendments for HB 4108

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Barcode

Amendment

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FLOOR AMENDMENT NO. _____

BY:

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Amend C.S.H.B. No. 4108 (house committee report) as follows:

(1) On page 2, strike lines 20 through 22 and substitute the following:

(1) the lots are sold to adjoining landowners; and

(2) the lots are added to the adjoining parcel of land owned by the purchasers.

(2) On page 2, between lines 22 and 23, insert the following:

(b) The purchaser of a lot described by Subsection (a) shall provide to the commissioners court a metes and bounds description of the adjoining parcel of land owned by the purchaser that has been updated to reflect the addition of the purchased lot to the adjoining parcel of land.

(3) On page 2, line 23, strike "(b) A county may," and substitute "(c) A county may, subject to Subsection (d),".

(4) On page 2, line 27, strike "700" and substitute "50".

(5) On page 3, line 7, between "state" and "has", insert "and not affiliated with the owner of the lot".

(6) On page 3, between lines 9 and 10, insert the following:

(d) Before granting an exception under Subsection (c), the commissioners court must make a finding that specifies the reasons for the court's determination that:

(1) good cause exists to grant the exception; and

(2) the lot meets the requirements for the exception under Subsection (c).

(e) The commissioners court shall enter in the record of the court's proceedings:

(1) the court's findings under Subsection (d); and

(2) the information submitted to the court to support

1 the court's determination under Subsection (c).

2 (7) On page 4, line 8, between "section" and "if", insert
3 "for a lot that does not have an installed sewer service facility".

4 (8) On page 4, strike line 11 and substitute the following:

5 (2) the owner of the lot has not resided on the lot for
6 a period of 60 months after the date of execution of the deed to the
7 owner; and

8 (9) On page 4, line 12, strike "(2)" and substitute "(3)".

9 (10) On page 4, lines 13 and 14, strike "each owner of a lot
10 that does not have an installed sewer service facility" and
11 substitute "the owner".

12 (11) On page 4, strike lines 15 through 27 and substitute
13 the following:

14 (d) The affidavit under Subsection (c)(3) must include
15 language substantially similar to the following:

16 "I understand that the seller of my lot is obligated to
17 install an on-site sewage facility on the lot or maintain a bond for
18 the installation of an on-site sewage facility for a period of 60
19 months after the date I purchased the lot. I affirm that I have not
20 resided on my lot for the previous 60 months. I understand that I
21 may not be eligible to receive water or electricity service unless I
22 install a septic facility on my lot. I voluntarily assume all
23 financial responsibility to hire a licensed installer to install an
24 on-site sewage facility that complies with:

25 (1) Subchapter B, Chapter 232, Local Government Code,
26 regarding subdivision platting requirements;

27 (2) the model rules adopted under Section 16.343(c),
28 Water Code, regarding septic systems;

29 (3) Chapter 366, Health and Safety Code; and

30 (4) the Construction Standards for On-Site Sewage
31 Facilities adopted by the Texas Commission on Environmental Quality

1 and other law and rules applicable to sewage facilities."

2 (12) On page 5, line 24, between "agent" and "is", insert ",
3 other than a person who is a director, officer, or employee of the
4 seller or subdivider or who is otherwise affiliated with the seller
5 or subdivider,".

6 (13) On page 6, line 3, between "agent" and "is", insert ",
7 other than a person who is a director, officer, or employee of the
8 owner of the lot or who is otherwise affiliated with the owner of
9 the lot,".

10 (14) On page 6, strike lines 18 through 22 and substitute
11 the following:
12 under this section shall dismiss the action if:

13 (1) the defendant remedies the violation that is the
14 subject of the enforcement action not later than the 45th day after
15 the date the defendant receives notice of the action;

16 (2) the defendant shows good cause for the dismissal;
17 and

18 (3) the violation does not present an immediate threat
19 to health or human safety.

20 (15) On page 7, strike lines 9 through 11 and substitute the
21 following:

22 (B) may connect to an existing water supply and
23 sewer service located within 50 feet of each lot in the subdivision
24 that meets the standards of the model rules and does not require the
25 extension of water or sewer facilities.