

BILL ANALYSIS

Senate Research Center

H.B. 229
By: Pitts et al. (Averitt)
Natural Resources
5/22/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In current law, there is no insurance or bonding requirement for persons who construct and maintain septic tank systems. Unscrupulous or unqualified installers can cost a property owner thousands of dollars in property damage, and improperly secured and installed equipment is a threat to the health and safety of all who enjoy use of the property.

H.B. 229 requires any person seeking a license or registration under Chapter 37 (Occupational Licensing and Registration), Water Code, to provide evidence of insurance or bonding in an amount prescribed by the Texas Commission on Environmental Quality.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 366.071, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 366.033, Health and Safety Code, as follows:

Sec. 366.033. DELEGATION TO LOCAL GOVERNMENTAL ENTITIES. (a)
Creates this subsection from existing text.

(b) Requires a county to adopt and implement safety standards governing the construction, installation, alteration, extension, servicing, maintenance, and repair of on-site sewage disposal systems.

SECTION 2. Amends Section 366.071(a), Health and Safety Code, as follows:

(a) Requires a person who constructs, installs, alters, extends, services, maintains, or repairs an on-site sewage disposal system or any part of an on-site sewage disposal system for compensation to hold a license or registration issued by the Texas Natural Resource Conservation Commission (TNRCC) under Chapter 37 (Occupational Licensing and Registration), Water Code. Requires a person, to obtain or renew a license or registration prescribed by this subsection, to provide to TNRCC evidence of a bond or insurance policy that is in the amount and in a form prescribed by TNRCC rules and requires the obligor on the bond or policy to pay, to the extent of the face amount of the bond or policy, for any damage to property resulting from the person's work on an on-site sewage disposal system or any part of an on-site sewage disposal system.

SECTION 3. (a) Requires the Texas Commission on Environmental Quality (TCEQ) to adopt rules as required by Section 366.071(a), Health and Safety Code, as amended by this Act.

(b) Makes application of Section 366.071(a), Health and Safety Code, prospective to June 1, 2010.

SECTION 4. Effective date: upon passage or September 1, 2009.