

1-1 By: Parker S.B. No. 1091  
 1-2 (In the Senate - Filed February 22, 2023; March 9, 2023,  
 1-3 read first time and referred to Committee on Water, Agriculture &  
 1-4 Rural Affairs; April 17, 2023, reported favorably by the following  
 1-5 vote: Yeas 6, Nays 2; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9		X		
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the regulation of on-site sewage disposal systems,  
 1-20 including requiring a license for on-site sewage disposal system  
 1-21 pumping technicians.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 366.001, Health and Safety Code, is  
 1-24 amended to read as follows:

1-25 Sec. 366.001. POLICY AND PURPOSE. It is the public policy  
 1-26 of this state and the purpose of this chapter to:

1-27 (1) eliminate and prevent health hazards by regulating  
 1-28 and properly planning the location, design, construction,  
 1-29 installation, operation, pumping, and maintenance of on-site  
 1-30 sewage disposal systems;

1-31 (2) authorize the commission or authorized agent to  
 1-32 impose and collect a permit fee for:

1-33 (A) construction, installation, alteration,  
 1-34 repair, or extension of on-site sewage disposal systems; and

1-35 (B) tests, designs, and inspections of those  
 1-36 systems;

1-37 (3) authorize the commission or authorized agent to  
 1-38 impose a penalty for a violation of this chapter or a rule adopted  
 1-39 under this chapter;

1-40 (4) authorize the commission to license or register  
 1-41 certain persons; and

1-42 (5) allow the individual owner of a disposal system to  
 1-43 install and repair the system in accordance with this chapter.

1-44 SECTION 2. Section 366.052(a), Health and Safety Code, is  
 1-45 amended to read as follows:

1-46 (a) Sections 366.051, 366.053, 366.054, and 366.057 do not  
 1-47 apply to an on-site sewage disposal system of a single residence  
 1-48 that is located on a land tract that is:

1-49 (1) 10 acres or larger in which the field line or  
 1-50 sewage disposal line is not closer than 100 feet of the property  
 1-51 line; and

1-52 (2) in a county with a population of less than 40,000.

1-53 SECTION 3. Sections 366.071(a) and (d), Health and Safety  
 1-54 Code, are amended to read as follows:

1-55 (a) A person who constructs, installs, alters, extends,  
 1-56 services, maintains, pumps, or repairs an on-site sewage disposal  
 1-57 system or any part of an on-site sewage disposal system for  
 1-58 compensation must hold a license or registration issued by the  
 1-59 commission under Chapter 37, Water Code.

1-60 (d) The commission may implement a program under Chapter 37,  
 1-61 Water Code, to register persons who service, pump, or maintain

2-1 on-site sewage disposal systems for compensation.

2-2 SECTION 4. Section 366.052(a), Health and Safety Code, as  
2-3 amended by this Act, applies only to a residence for which  
2-4 construction begins on or after the effective date of this Act. A  
2-5 residence for which construction began before the effective date of  
2-6 this Act is governed by the law in effect when construction began,  
2-7 and the former law is continued in effect for that purpose.

2-8 SECTION 5. Not later than September 1, 2024, the Texas  
2-9 Commission on Environmental Quality shall adopt rules implementing  
2-10 Section 366.071(a), Health and Safety Code, as amended by this Act.  
2-11 The rules must provide for the creation of an on-site sewage  
2-12 disposal system pumping technician license or registration and the  
2-13 requirements and qualifications to obtain the license or  
2-14 registration.

2-15 SECTION 6. (a) Except as provided by Subsection (b) of this  
2-16 section, this Act takes effect September 1, 2023.

2-17 (b) Section 366.071(a), Health and Safety Code, as amended  
2-18 by this Act, takes effect September 1, 2024.

2-19

\* \* \* \* \*