

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1314
By: Bailey, Harless (Jackson, Mike)
Intergovernmental Relations
5/17/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Projects to install water and sewer infrastructure in unincorporated communities that are either impacted by severe adverse economic conditions or named "superfund" sites can have a positive impact on the quality of life of community residents. Currently, there is no law prohibiting competing systems in on-site septic facilities or the installation of new wells and on-site septic facilities.

C.S.H.B. 1314 prohibits competing water and sewer systems and the installation of new wells and on-site septic facilities within Harris County.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 412.016, Local Government Code, as follows:

Sec. 412.016. COUNTY WATER AND SEWER SYSTEM. Includes finance in the list of actions a county is authorized to take pertaining to a water or sewer utility system to serve an unincorporated area of the county in the same manner and under the same regulations as a municipality under Chapter 402 (Municipal Utilities), Local Government Code. Provides that a county with a population of two, rather than 2.8, million or more and any adjoining county is authorized to serve an area within a municipality with the municipality's approval. Makes conforming changes.

SECTION 2. Amends Subchapter B, Chapter 412, Local Government Code, by adding Section 412.017, as follows:

Sec. 412.017. REGULATION OF WATER AND SEWER UTILITY IN POPULOUS COUNTIES. (a) Defines "water or sewer utility system."

(b) Authorizes a county with a population of 3.3 million or more, by order, to prohibit a person from installing an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code, or installing a water well, if the lot or parcel of land on which the on-site sewage disposal system or water well is to be installed has access to service from a water or sewer system, and to prohibit a person from installing another water or sewer utility system to serve a lot or parcel of land within the area if the lot or parcel of land has access to service from a water or sewer utility system.

(c) Authorizes a county that adopts an order under Subsection (b) to adopt the order only if the area that has access to service from a water or sewer utility system is not served by another legally operating water or sewer utility system at the time the order is adopted and was developed before September 1, 1987.

(d) Provides that a person who violates an order adopted under this section is liable to the county for a civil penalty of not more than \$1,000 for each violation.

Provides that each day a violation continues is a separate violation for purposes of assessing the civil penalty.

(e) Authorizes a county to bring suit in a district court to restrain a violation or threatened violation of an order adopted under this section, recover a civil penalty, or both. Provides that the county is not required to give bond as a condition to issuing injunctive relief.

(f) Authorizes a county that is involved in selecting a water or sewer utility system and that adopts an order under Subsection (b) to adopt the order only if the county complies with Chapter 262 (Purchasing and Contracting Authority of Counties), Local Government Code, in selecting the water or sewer utility system, except as provided in Subsection (g).

(g) Provides that Section 262.024 (Discretionary Exemptions), Local Government Code, does not apply to this section.

SECTION 3. Effective date: upon passage or September 1, 2007.