

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 884
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Intergovernmental Relations
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, there are no regulations requiring planning or oversight prior to the drilling of private water wells in unincorporated areas. C.S.S.B. 884 allows the commissioner's court of a county to pass an ordinance to require both a person desiring to drill a private well and the county health officer to comply with certain rules.

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 Chapter 240, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. COUNTY REGULATION OF WATER WELLS

Sec. 240.041. DEFINITION. Defines "on-site sewage disposal system."

Sec. 240.042. AUTHORITY TO REGULATE PLACEMENT OF WATER WELLS. (a) Authorizes the commissioners court of a county by order to regulate the placement of private water wells in the unincorporated area of the county to prevent certain conditions from occurring.

(b) Requires a commissioners court that decides to regulate the placement of private water wells under this subchapter by order to adopt rules governing the placement of a water well in relation to an existing on-site sewage disposal system and enforcement of those rules. Requires the rules to require certain individuals to perform various tasks.

Sec. 240.043. NOTICE. (a) Requires the commissioners court of the county, before a regulation adopted under Section 240.042 may take effect, to publish notice of the adoption of the regulation in a newspaper of general circulation in the county.

(b) Requires the notice to include certain information.

(c) Prohibits the regulation from taking effect until after the 14th day after the date of the second publication as provided by Subsection (b)(2).

Sec. 240.044. INSPECTION. Authorizes a county health officer or an official designated by the commissioners court to inspect a proposed private water well site to ensure that it complies with the requirements of this subchapter and county rules adopted under this subchapter.

Sec. 240.045. COMPLIANCE REQUIRED. Prohibits a person from drilling a private water well in a county that has chosen to regulate the placement of private water wells under this subchapter unless the placement of the well complies with this subchapter and applicable rules and has been approved by the county health officer or an official designated by the commissioners court.

Sec. 240.046. OFFENSE; PENALTY. Provides that a person who violates this subchapter or a county ordinance adopted under this subchapter commits a class C misdemeanor.

Sec. 240.047. EXCEPTIONS. Provides that this subchapter does not apply to a private water well drilled on a parcel of land that meets certain criteria.

SECTION 2. Effective date: September 1, 2003.