

BILL ANALYSIS

Senate Research Center

S.B. 343
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, populous counties have no mechanism to regulate the placement of water wells relative to septic systems. Consequently, wells have been placed in locations that adversely impact the property owner or neighbor, often rendering existing septic systems "out of compliance" and exposing water sources to possible contamination. A simple review procedure would protect the property rights and drinking water quality of the proposed well owners and their neighbors. S.B. 343 authorizes commissioners courts in counties with populations of 1.4 million or more to adopt rules to address the placement of water wells prior to drilling.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to county commissioners courts in SECTION 1 (Section 240.042, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 240, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. REGULATION OF WATER WELLS IN CERTAIN COUNTIES

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

Sec. 240.042. AUTHORITY TO REGULATE PLACEMENT OF WATER WELLS. (a) Authorizes a commissioners court of a county with a population of 1.4 million or more to regulate, by order, the placement of private water wells in the unincorporated area of the county to prevent certain occurrences.

(b) Requires a commissioners court that decides to regulate the placement of private water wells 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 include certain provisions.

Sec. 240.043. NOTICE. Requires the commissioners court, before rules adopted under Section 240.042 may take effect, to publish notice of the adoption of the rules in a newspaper of general circulation in the county. Sets forth requirements for the notice. Prohibits the rules from taking effect until after the 14th day after the date of the second publication.

Sec. 240.044. FEE. Authorizes the county to impose a placement review fee in the amount of not more than \$50 to be paid by the person drilling the well. Requires fees collected to be deposited to the county's general fund to be used only for the administration and enforcement of this subchapter.

Sec. 240.045. INSPECTION. Authorizes a county health officer or 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. 240.046. 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 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. 240.047. OFFENSE; PENALTY. (a) Provides that a person who drills a private water well without possessing a written acknowledgment, or a copy of a written acknowledgment, under Section 240.042 by the county health officer or an official designated by the commissioners court approving the drilling of the well commits an offense. Provides that an offense under this section is a Class C misdemeanor.

(b) Requires the county health officer or an official designated by the commissioners court to report a citation issued under this section to the Texas Department of Licensing and Regulation.

Sec. 240.048. EXCEPTIONS. Provides that this subchapter is inapplicable to private water wells drilled in a certain manner and certain public water systems.

SECTION 2. Amends Section 1305.003, Occupations Code, to provide that this chapter is inapplicable to certain works and services.

SECTION 3. Effective date: September 1, 2005.