

## **BILL ANALYSIS**

C.S.H.B. 1314  
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County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

This bill deals with two areas of ground water contamination in unincorporated Harris County. Both sites are in older residential neighborhoods that are low to moderate income and residents rely on backyard water wells. The two projects that are the subject of the bill language – Aldine and Jones Road – have water utilities that are willing to serve them. However, the water utilities understandably won't agree to sink the resources necessary to serve the area unless they have the type of protection from competitors that is normally provided by a Certificate of Convenience and Necessity (CCN) issued by the TCEQ. The problem is that securing a CCN from the TCEQ is a long, drawn out process. We do not have that kind of time because of the public health concerns in these two areas.

In the two very narrowly described circumstances in the original bill, a C.S.H.B. 1314 would allow a Commissioners Court order prohibiting competitors to substitute for the protection afforded by a CCN.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1314 provides that a county with a population of 3.3 million or more may by order prohibit a person from installing an on-site sewage disposal system, a water well, or a competing water or sewer utility system if the lot or parcel of land has access to service from a water or sewer utility system that serves an economically distressed area or an area listed on the state registry by the Texas Commission on Environmental Quality or the National Priorities List by the federal Environmental Protection Agency under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.

A county that adopts an order under Section 412.017 may adopt the order only if the area 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.

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. Each day a violation continues is a separate violation for purposes of assessing the civil penalty. A county may 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. The county is not required to give bond as a condition to issuing injunctive relief.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

Section 412.017(a) was changed to delete the modifying phrase "federally funded" and the reference to the system being "designed or installed using federal funds." Sections 412.017(b)(1), 412.017(b)(2) and 412.017(c) were also changed to delete the modifying phrase "federally funded."

C.S.H.B. 1314 80(R)