

By: Bailey, Harless

H.B. No. 1314

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of water and sewer utility systems in certain counties; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 412, Local Government Code, is amended by adding Section 412.017 to read as follows:

Sec. 412.017. REGULATION OF WATER AND SEWER UTILITY IN POPULOUS COUNTIES. (a) In this section, "water or sewer utility system" means a water or sewer utility system that serves:

(1) an economically distressed area as defined by Section 15.001, Water Code; or

(2) an area listed on:

(A) the state registry by the Texas Commission on Environmental Quality under Subchapter F, Chapter 361, Health and Safety Code; or

(B) 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. Sections 9601-9675, as amended by the Superfund Amendments and Reauthorization Act of 1986.

(b) A county with a population of 3.3 million or more may by order:

(1) prohibit a person from installing an on-site sewage disposal system, as defined by Section 366.002, Health and

1 Safety Code, or installing a water well, if the lot or parcel of
2 land on which the on-site sewage disposal system or water well is to
3 be installed has access to service from a water or sewer system; and

4 (2) prohibit a person from installing another water or
5 sewer utility system to serve a lot or parcel of land within the
6 area if the lot or parcel of land has access to service from a water
7 or sewer utility system.

8 (c) A county that adopts an order under Subsection (b) may
9 adopt the order only if the area that has access to service from a
10 water or sewer utility system:

11 (1) is not served by another legally operating water
12 or sewer utility system at the time the order is adopted; and

13 (2) was developed before September 1, 1987.

14 (d) A person who violates an order adopted under this
15 section is liable to the county for a civil penalty of not more than
16 \$1,000 for each violation. Each day a violation continues is a
17 separate violation for purposes of assessing the civil penalty.

18 (e) A county may bring suit in a district court to restrain a
19 violation or threatened violation of an order adopted under this
20 section, recover a civil penalty, or both. The county is not
21 required to give bond as a condition to issuing injunctive relief.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.