

By: Jackson

S.B. No. 1876

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, "federally funded water or sewer utility system" means a water or sewer utility system that:

(1) was designed or installed using federal funds; and

(2) serves:

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

(B) an area listed on:

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

(ii) 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 (1) prohibit a person from installing an on-site
2 sewage disposal system, as defined by Section 366.002, Health and
3 Safety Code, or installing a water well, if the lot or parcel of
4 land on which the on-site sewage disposal system or water well is to
5 be installed has access to service from a federally funded water or
6 sewer utility system; and

7 (2) prohibit a person from installing another water or
8 sewer utility system to serve a lot or parcel of land within the
9 area if the lot or parcel of land has access to service from a
10 federally funded water or sewer utility system.

11 (c) A county that adopts an order under Subsection (b) may
12 adopt the order only if the area that has access to service from a
13 federally funded water or sewer utility system:

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

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

17 (d) A person who violates an order adopted under this
18 section is liable to the county for a civil penalty of not more than
19 \$1,000 for each violation. Each day a violation continues is a
20 separate violation for purposes of assessing the civil penalty.

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

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.