

## **BILL ANALYSIS**

Senate Research Center  
80R15363 PAM-F

H.B. 1314  
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Intergovernmental Relations  
5/12/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Projects to install water and sewer infrastructure in unincorporated communities that are either impacted by severe adverse economic conditions or named "Superfund" sites can have positive impact on the quality of life of community residents. Currently, there is no law prohibiting competing systems in on-site septic facilities or the installation of new wells and on-site septic facilities.

H.B. 1314 prohibits competing water and sewer systems and the installation of new wells and on-site septic facilities within Harris County.

### **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 Subchapter B, Chapter 412, Local Government Code, by adding Section 412.017, as follows:

Sec. 412.017. REGULATION OF WATER AND SEWER UTILITY IN POPULOUS COUNTIES. (a) Defines "water or sewer utility system."

(b) Authorizes a county with a population of 3.3 million or more, by order, to prohibit a person from installing an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code, or installing a water well, if the lot or parcel of land on which the on-site sewage disposal system or water well is to be installed has access to service from a water or sewer system, and to prohibit a person from installing another water or sewer utility system to serve a lot or parcel of land within the area if the lot or parcel of land has access to service from a water or sewer utility system.

(c) Authorizes a county that adopts an order under Subsection (b) to adopt the order only if the area that has access to service from a water or sewer utility system 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.

(d) Provides that 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. Provides that each day a violation continues is a separate violation for purposes of assessing the civil penalty.

(e) Authorizes a county to 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. Provides that the county is not required to give bond as a condition to issuing injunctive relief.

SECTION 2. Effective date: upon passage or September 1, 2007.