

SUBJECT: Local governments not responsible for buffer zone remediation

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 7 ayes — Saunders, Mowery, Alexander, Hamric, Howard, Krusee, B. Turner
0 nays
2 absent — Combs, Hilderbran

SENATE VOTE: On final passage, May 8 — 30-0

WITNESSES: No public hearing

DIGEST: SB 1676 would provide that a governmental entity, or a corporation created by a governmental entity, would not be responsible for remediation of contamination existing on certain property acquired to create a buffer zone.

The governing body of the governmental entity would draw up a resolution authorizing the acquisition of the property and file it with the Texas Natural Resource Conservation Commission (TNRCC). After receipt of the resolution, the TNRCC would have 30 days to object in writing.

The properties acquired would be restricted by covenants running with the land, recorded in the deed records of the county, and enforceable by the governmental entity. The covenants would prohibit residential uses.

The resolution of the governing body of the governmental entity would have to declare in the resolution authorizing the acquisition of the property for a buffer zone that:

- the property is primarily residential in use or design;
- the area is located near an industrial development;
- the area is threatened with air, ground or water pollution;

- use of the area is incompatible with nearby industrial development;
- the public health, safety and welfare will be promoted if the real property is acquired for nonresidential purposes;
- the purchase is part of a plan of the public entity or corporation for terminating incompatible residential or other use in the area; and
- the proposed resolution was published at least 30 days before its adoption in a newspaper published in the county in which the property is located.