

BILL ANALYSIS

Senate Research Center

C.S.S.B. 757
By: Wentworth
Natural Resources
3-5-97
Committee Report (Substituted)

DIGEST

Currently, a water quality protection zone (zone) may be created if the zone encompasses 500 acres or more and the land in the zone is wholly located in the extraterritorial jurisdiction area of a municipality that has been subjected previously to three or more water quality ordinances or amendments thereto. Questions have arisen with regard to the ability of a municipality to abolish an existing zone by vacating or abandoning extraterritorial jurisdiction within a zone, thereby reducing the size of the zone to less than 500 acres. Questions have also arisen with regard to the ability of a municipality to reduce the requisite size of a zone by transferring part of the zone to another municipality. This bill will provide that if, as a result of an action by a municipality, a portion of a water quality protection zone is located outside the municipality's extraterritorial jurisdiction, the entire zone is deemed to be removed from the municipality's extraterritorial jurisdiction.

PURPOSE

As proposed, C.S.S.B. 757 provides that if, as a result of an action by a municipality, a portion of a water quality protection zone is located outside the municipality's extraterritorial jurisdiction, the entire zone is deemed to be removed from the municipality's extraterritorial jurisdiction.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 26.179, Water Code, by adding Subsections (o) and (p), to provide that an entire water quality protection zone (zone) is removed from a municipality's extraterritorial jurisdiction if a municipality's action results in part of a zone being located outside the municipality's extraterritorial jurisdiction. Prohibits a zone removed from a municipality's extraterritorial jurisdiction from being brought into the municipality's extraterritorial jurisdiction before the 20th anniversary of the date the zone was designated. Requires the Texas Natural Resource Conservation Commission (TNRCC), in addition to the fees authorized under Subsection (g), to adopt and assess reasonable and necessary fees adequate to recover TNRCC's costs in monitoring water quality associated with water quality protection zones.

SECTION 2. Makes application of this Act prospective to January 1, 1997.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 26.179, Water Code, to change the date before which a water quality protection zone is prohibited from being brought into the municipality's extraterritorial jurisdiction to the 20th anniversary of the date on which the zone was designated. Requires the Texas Natural Resource Conservation Commission to adopt and assess fees.

Amends SECTION 2, to make application of this Act prospective to January 1, 1997.

Amends SECTION 3, to make this Act effective upon passage.