

BILL ANALYSIS

Senate Research Center
76R8074 SMH-F

S.B. 1165
By: Wentworth
Natural Resources
3/22/1999
As Filed

DIGEST

Currently, Texas law provides for the designation of water quality protection zones in certain areas within the extraterritorial jurisdiction (ETJ) of certain municipalities. A zone may be created if the zone encompasses 500 acres or more of land the land, and the land in the zone is wholly within the ETJ of a municipality and has been subjected, during the preceding five years, to three or more water quality ordinances. S.B. 1165 authorizes the Texas Natural Resource Conservation Commission to regulates water quality protection zones.

PURPOSE

As proposed, S.B. 1165 authorizes the Texas Natural Resource Conservation Commission to regulates water quality protection zones.

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 amending Subsections (c), (d), (f), and (g) and adding Subsection (q), as follows:

(c) Provides that this section applies only to those areas within the extraterritorial jurisdiction, outside the corporate limits of a municipality with a population greater than 10,000, rather than 5,000.

(d) Provides that the purpose of a water quality protection zone (zone) is to provide for the consistent protection of water quality in the zone without imposing undue regulatory uncertainty on owners of land in the zone, rather than the flexibility necessary to facilitate the development of the land within the zone.

(f) Authorizes the designation to be amended from time to time. Authorizes the designation to specify a person who may sign an amendment of the designation or the water quality plan for the zone. Authorizes land to be added to or omitted from the zone by an amendment to the designation. Requires an amendment to the designation to be signed by each owner of the land included in the zone or a person specified by the designation. Provides that an amendment takes effect on recordation of the amendment in the deed records of the country in which the land is located.

(g) Requires the Texas Natural Resource Conservation Commission's (commission) review and approval of a water quality plan or an amendment to the plan to be performed by the commission staff that is responsible for reviewing pollution abatement plans in the county where the zone is located. Requires a water quality plan to be effective upon recordation of the plan or the amendment in the deed records and shall apply during the period of review and approval by the commission or appeal of the denial of the plan or any amendment, except that development of the land in the zone may not proceed until the commission approves the plan or amendment.

(q) Authorizes the commission, on application of each owner of land in the zone or a person specified by the designation of the zone or an amendment to the designation, to terminate a zone on reasonable terms specified by the commission rules.

Effective date: 90 days after adjournment.