BILL ANALYSIS

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, 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. C.S.S.B. 1165 authorizes the Texas Natural Resource Conservation Commission to regulate water quality protection zones.

PURPOSE

As proposed, C.S.S.B. 1165 authorizes the Texas Natural Resource Conservation Commission to regulate 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), and (d), adding a new Subsection (g), amending and redesignating existing Subsection (g) as Subsection (h), and redesignating existing Subsection (p), 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.

> (g) Authorizes a water quality protection zone designation to be amended and a designation to specify the party or parties authorized to execute amendments to the zone designation and the zone's water plan. Authorizes land to be added to or excluded from a zone by amending the zone designation. Provides that an amendment to a zone designation is effective on its filing in the deed records of the county in which the land is located. Authorizes the Texas Natural Resource Conservation Commission (commission), on application by all owners of land in a zone, or by each party authorized by the zone designation or an amendment to the zone designation to amend the zone designation, to terminate a zone on reasonable terms and conditions specified by the commission.

> (h) Requires the commission's review and approval of the plan or any amendment to the plan to be completed within 120 days of the date it is filed with the commission. Prohibits new development under a plan until the plan or amendment to the plan, as appropriate, has been approved by the commission. Effective date: 90 days after adjournment.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 26.179, Water Code, by adding Subsection (g) and amending Subsection (h), as follows:

(g) Authorizes a water quality protection zone designation to be amended and a designation to specify the party or parties authorized to execute amendments to the zone designation and the zone's water plan. Authorizes land to be added to or excluded from a zone by amending the zone designation. Provides that an amendment to a zone designation is effective on its filing in the deed records of the county in which the land is located. Authorizes the commission, on application by all owners of land in a zone, or by each party authorized by the zone designation or an amendment to the zone designation to amend the zone designation, to terminate a zone on reasonable terms and conditions specified by the commission. Deletes proposed changes in Subsection (f) regarding designations.

(h) Prohibits new development under a plan from proceeding until the plan or amendment to the plan, as appropriate, has been approved by the commission. Deletes text regarding any amendment to the plan. Deletes text regarding termination of a zone.