

BILL ANALYSIS

Senate Research Center

S.B. 1165
By: Wentworth
Natural Resources
7/27/1999
Enrolled

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

PURPOSE

As enrolled, 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), and (e) 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.

(e) Requires a water quality protection zone designated under this section to be described by metes and bounds or other adequate legal description.

(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. Requires an amendment to a zone designation adding land to or excluding land from a zone to describe the boundaries of the zone as enlarged or reduced by metes and bounds or other adequate legal description. Provides that an amendment to a zone designation is effective on its filing in the deed records in the county. 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.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Provides that all actions taken by the Texas Natural Resource Conservation Commission or another state agency before the effective date of this Act relating to the approval under Section 26.179, Water Code, of the designation of a tract as a water quality protection zone, of a water quality plan for a zone, or of an amendment to a designation or plan are ratified, validated, approved, and confirmed.

SECTION 4. Emergency clause.

Effective date: upon passage.