

BILL ANALYSIS

Senate Research Center
76R6800 JJT-F

S.B. 938
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Natural Resources
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As Filed

DIGEST

Currently, in Texas, where the extraterritorial jurisdiction of a municipality extends into a county that already has a ground water conservation district, an overlap of authority occurs between the district and the municipality, which can result in unnecessary duplication or conflicting regulation and bureaucracy. This is particularly true in instances in which a municipality uses its authority to control land uses and development rather than affect water pollution. S.B. 938 would authorize cities to exercise their normal authority within their extraterritorial jurisdiction but that a groundwater conservation district has priority in the extraterritorial jurisdiction area unless the district yields those authorities to a municipality.

PURPOSE

As proposed, S.B. 938 authorizes certain municipalities to regulate their extraterritorial jurisdictions nonpoint source water pollution.

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 Chapter 26E, Water Code, by adding Section 26.181, as follows:

Sec. 26.181. LIMITATION ON WATER POLLUTION CONTROL AUTHORITY OF CERTAIN MUNICIPALITIES. Provides that a municipality that has any part of its extraterritorial jurisdiction in a county that has within its boundaries at least one groundwater conservation district and that is not the county in which the majority of the territory inside the municipality's corporate boundaries is located may not enforce a water pollution control and abatement program or regulate or control nonpoint source water pollution in any part of the municipality's extraterritorial jurisdiction that is located in that county unless the municipality has the written consent of the county and the groundwater conservation districts in that county.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.