

BILL ANALYSIS

Senate Research Center

S.B. 757
By: Wentworth
Natural Resources
3-4-97
As Filed

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, 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 require an entire water quality protection zone (zone) to be deemed to have been removed from the extraterritorial jurisdiction if a municipality's action results in part of a zone being located outside the extraterritorial jurisdiction of the municipality. Prohibits a zone removed from a municipality's extraterritorial jurisdiction pursuant to this paragraph from being brought into the municipality's extraterritorial jurisdiction before the expiration of ten years from the date the zone was removed. Authorizes Texas Natural Resource Conservation Commission to utilize fees assessed under this section for the purpose of administering this section.

SECTION 2. Emergency clause.
Effective date: 90 days after adjournment.