

BILL ANALYSIS

Senate Research Center
83R4389 JAM-F

S.B. 1271
By: Eltife
Natural Resources
3/22/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law exempts certain owners from costly dam safety regulatory requirements. To qualify for this exemption, a dam must have a hazard classification of low or significant, at maximum capacity impound less than 500 acre-feet of water, and be located outside of the corporate limits of a municipality in a county with a population of less than 215,000. These dams still must meet Texas Commission on Environmental Quality operation and maintenance requirements. S.B. 1271 changes the county population threshold to 350,000.

As proposed, S.B. 1271 amends current law relating to the regulation and enforcement of dam safety by the Texas Commission on Environmental Quality.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.052(e-1), Water Code, to require the Texas Natural Resource Conservation Commission to exempt an owner of a dam located on private property from meeting requirements related to dam safety if the dam meets certain criteria, including that the dam is located in a county with a population of less than 350,000, rather than less than 215,000.

SECTION 2. Repealer: Section 12.052(e-3) (relating to providing that this subsection and Subsections (e-1) and (e-2) expire August 31, 2015), Water Code.

SECTION 3. Effective date: September 1, 2013.