

By: Barrientos

S.B. No. 1678

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers of the Lower Colorado River Authority to
3 adopt and implement certain environmental conservation measures.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 222.004, Water Code, is amended by
6 amending Subsections (q) and (s) and by adding Subsections (q-1),
7 (s-1), and (t-1) to read as follows:

8 (q) The authority may provide for the study, correcting, and
9 control of both artificial and natural pollution, including
10 organic, inorganic, and thermal, of all groundwater or surface
11 water of the Colorado River and its tributaries within the
12 boundaries of the authority. The authority may adopt by ordinance
13 rules with regard to the pollution, both artificial and natural,
14 and may adopt impervious cover limitations. The authority [and]
15 possesses police power to enforce its rules and [—The authority]
16 may provide a reasonable penalty for the violation of any rule. The
17 penalty is cumulative of any penalties fixed by the general law of
18 this state. A penalty under this subsection may not exceed the
19 limit for penalties provided by Section 49.004. An ordinance
20 enacted under this section may not be adopted in any county or
21 counties outside the existing boundaries of the authority.

22 (q-1) Rules adopted by the authority under Subsection (q)
23 must specify that development may not increase stormwater pollutant
24 loading and that the natural features and courses of waterways may

1 not be altered.

2 (s) The authority may develop and manage parks,
3 recreational facilities, and natural science laboratories and may
4 promote the preservation of fish and wildlife within the boundaries
5 of the authority. The authority may preserve habitat for fish and
6 wildlife and may create contiguous corridors and habitats to ensure
7 the viability of fish and wildlife and the adequacy of migration
8 routes. The authority may negotiate contracts with any county,
9 municipality, municipal corporation, person, firm, corporation,
10 nonprofit organization, or state or federal agency for the
11 operation and maintenance of any such park, recreational facility,
12 or natural science laboratory. The preservation of fish and
13 wildlife shall be, at a minimum, in accordance with the rules of the
14 Parks and Wildlife Commission. Notwithstanding any other
15 provisions of this chapter, the board may charge and collect
16 reasonable entrance, gate, or use fees for the development,
17 management, and use of parks and recreational facilities developed
18 in whole or in part by the authority.

19 (s-1) The authority shall provide a rainwater harvesting
20 alternative to platted subdivisions in its territory that petition
21 the authority to provide surface water. On request by the
22 subdivision, the authority shall provide tanks, cisterns, gutters,
23 treatment equipment, pumps, and other necessary equipment to enable
24 the subdivision to use rainwater for both domestic use and lawn
25 irrigation. The authority may recover the costs of providing the
26 equipment through leases, lease-purchase agreements, or by
27 charging a fee.

1 (t-1) The authority shall adopt outdoor lighting standards
2 that must be implemented and followed by wholesale customers of the
3 authority. The goal of the standards is to maximize the efficiency
4 of outdoor lighting fixtures while reducing the unnecessary
5 illumination of night skies. At a minimum, the standards must
6 include shielding requirements for fixtures and specify the times
7 during which outdoor lighting may be used.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.