

BILL ANALYSIS

Senate Research Center
80R5242 JJT-D

S.B. 1932
By: Uresti
Natural Resources
3/29/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1999, the 76th Legislature enacted H.B. 732 to allow Harris County to take any necessary or proper action to comply with the requirements of the stormwater permitting program under the national pollutant discharge elimination system (NPDES) established by the Federal Water Pollution Control Act (33 U.S.C. Section 1342). In 2003, the 78th Legislature enacted H.B. 2031 to allow Bexar County to comply with NPDES requirements. H.B. 2031 was also intended, as stated in the bill analysis, to allow the assessment of charges to fund NPDES programs. However, a more definitive authorization in Section 423.002 (General Authority), Local Government Code, is necessary to assess these charges with legal certainty.

As proposed, S.B. 1932 grants a county, district, or authority already authorized to comply with the Federal Water Pollution Control Act the authority to assess charges to fund the implementation of required NPDES programs. The legislation precludes the imposition of charges upon tax exempt property or property that is subject to assessments from another entity for the same purpose, and only affects Bexar and Harris counties.

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 423.002, Local Government Code, as follows:

Sec. 423.002. GENERAL AUTHORITY. (a) Creates this subsection from existing text. Includes assessing reasonable charges to fund the implementation, administration, and operation of the stormwater permitting program as necessary to comply with federal or state program requirements in the list of actions a county, district, or authority is authorized to take to comply with the requirements of the stormwater permitting program under the national pollutant discharge elimination system (Section 402, Federal Water Pollution Control Act (33 U.S.C. Section 1342)). Makes conforming changes.

(b) Prohibits a county, district, or authority from assessing a charge against property that is exempt from ad valorem taxation or subject to an assessment for the same purposes by another entity, notwithstanding Subsection (a)(5).

SECTION 2. Effective date: September 1, 2007.