

CHAPTER 983

S.B. No. 1191

AN ACT

relating to appeal from an action taken pursuant to Section 26.177, Water Code.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 26.177, Water Code, as amended, is amended by adding Subsections (c) and (d) to read as follows:

*(c) Any person affected by any ruling, order, decision, ordinance, program, resolution, or other act of a city relating to water pollution control and abatement outside the corporate limits of such city adopted pursuant to this section or any other statutory authorization may appeal such action to the commission or district court. An appeal must be filed with the commission within 60 days of the enactment of the ruling, order, decision, ordinance, program, resolution, or act of the city. The issue on appeal is whether the action or program is invalid, arbitrary, unreasonable, inefficient, or ineffective in its attempt to control water quality. The commission or district court may overturn or modify the action of the city. If an appeal is taken from a commission ruling, the commission ruling shall be in effect for all purposes until final disposition is made by a court of competent jurisdiction so as not to delay any permit approvals.*

*(d) The commission shall adopt and assess reasonable and necessary fees adequate to recover the costs of the commission in administering this section.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

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constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 14, 1987, by the following vote: Yeas 28, Nays 2; May 28, 1987, Senate refused to concur in House amendment and requested appointment of Conference Committee; June 1, 1987, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0. Passed the House, with amendment, on May 22, 1987, by the following vote: Yeas 130, Nays 0, two present not voting; June 1, 1987, House adopted Conference Committee Report by a non-record vote.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.