

By: Phillips

H.B. No. 2436

A BILL TO BE ENTITLED

AN ACT

relating to the zoning authority of counties around certain bodies of water.

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

SECTION 1. The heading to Subchapter G, Chapter 231, Local Government Code, is amended to read as follows:

SUBCHAPTER G. ZONING AROUND LAKE ALAN HENRY, LAKE COOPER, LAKE RALPH HALL, ~~[AND]~~ POST LAKE, AND LOWER BOIS D'ARC CREEK RESERVOIR

SECTION 2. Section 231.131(a), Local Government Code, is amended to read as follows:

(a) The legislature finds that:

(1) the areas that surround Lake Alan Henry, Lake Cooper, Lake Ralph Hall, ~~[and]~~ Post Lake, and Lower Bois D'Arc Creek Reservoir are or will be frequented for recreational purposes by residents from every part of the state;

(2) orderly development and use of the area is of concern to the entire state; and

(3) buildings in the area that will be frequented for resort or recreational purposes will tend to become congested and to be used in ways that interfere with the proper use of the area as a place of recreation to the detriment of the public health, safety, morals, and general welfare.

SECTION 3. Sections 231.132(a) and (b), Local Government Code, are amended to read as follows:

1 (a) This subchapter applies to:

2 (1) those parts of Garza County located within three
3 miles of the high water marks established for Lake Alan Henry and
4 Post Lake except land located in Garza County and owned by the White
5 River Municipal Water District;

6 (2) those parts of Kent County located within three
7 miles of the high water marks established for Lake Alan Henry;

8 (3) the area within 10,000 feet of where the shoreline
9 of Lake Cooper would be if the lake were filled to its storage
10 capacity; ~~and~~

11 (4) the area within 5,000 feet of where the shoreline
12 of Lake Ralph Hall would be if the lake were filled to its storage
13 capacity; and

14 (5) the area within 5,000 feet of where the shoreline
15 of the Lower Bois D'Arc Creek Reservoir would be if the reservoir
16 were filled to its storage capacity.

17 (b) The areas described by Subsection (a) are subject to
18 regulation under this subchapter regardless of whether the
19 construction of an affected lake or reservoir is complete.

20 SECTION 4. Section 231.132(c), Local Government Code, is
21 repealed.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.