

BILL ANALYSIS

S.B. 525
By: Deuell
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 231 (County Zoning Authority), Local Government Code, currently provides authority for counties in areas where certain existing and proposed lakes and reservoirs are located to adopt additional development restrictions within a defined area immediately adjacent to the shoreline in order to protect health and safety, including protection of the quality of the public drinking water supply. S.B. 525 adds the proposed Lower Bois d'Arc Creek Reservoir to the list of lakes and reservoirs already included under the chapter while preserving the applicability of the chapter to all reservoirs and lakes already included in it.

As proposed, S.B. 525 amends current law relating to the protection of water quality in certain bodies of water.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends the heading to Subchapter G, Chapter 231, Local Government Code, to read as follows:

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

SECTION 2. Amends Section 231.131(a), Local Government Code, as follows:

- (a) Provides that the legislature finds that
- (1) the areas that surround Lake Alan Henry, Lake Cooper, Lake Ralph Hall, 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) development in the area, including the construction of on-site water treatment systems or other sources of contamination, may impact the water quality in the lakes and the reservoir; and
 - (3)-(4) Makes no changes to these subdivisions.

Makes nonsubstantive changes.

SECTION 3. Amends Sections 231.132(a) and (b), Local Government, as follows:

- (a) Provides that this subchapter applies to certain areas, including the area within 5,000 feet of where the shoreline of the Lower Bois D'Arc Creek Reservoir would be if the reservoir were filled to its storage capacity. Makes nonsubstantive changes.

(b) Provides that areas described in Subsection (a) are subject to regulation under this subchapter regardless of whether the construction of an affected lake or reservoir is complete.

SECTION 4. Repealer: Section 231.132(c) (relating to application expiration dates), Local Government Code.

SECTION 5. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.