

BILL ANALYSIS

Senate Research Center

H.B. 3591
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Natural Resources
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Engrossed

DIGEST

Currently, Texas law sets two conditions that must be met to add land to a “defined area.” A defined area is a specific area withing a Water Control and Improvement District (WCID) that may be provided enhanced facilities related to development that are not provided throughout the entire WCID. For land to be added to a defined area, the land must be within a WCID and be part of a “water quality protection zone” created under the Texas Water Code. Intermediate courts in Texas have ruled that “water quality protection zones” are unconstitutional as drafted. These rulings make it impossible for land owners to meet the second requirement needed to be met in order to add land to a defined area. This bill would conform the statutory language to the courts’ decisions by striking the language requiring land to be included in a water quality protection zone as a condition that must be met for land to be added to a defined area.

PURPOSE

As proposed, H.B. 3591 deletes a provision subjecting land added to a defined area to a water plan.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.534, Water Code, as follows:

Sec. 51.534. New heading: ADDITION OF LAND TO DEFINED AREA. Deletes text subjecting lands added to a defined area to a water quality plan defined by Texas Natural Resource Conservation Commission. Effective date: 90 days after adjournment.