

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1323  
By: Wentworth  
Intergovernmental Relations  
4/22/1999  
Committee Report (Substituted)

### **DIGEST**

Current law does not require developers of real estate that are intended to rely on groundwater to show proof of an adequate groundwater supply before property is sold. This leads to problems as rural areas become developed and increasing demands are placed on an inadequate supply. C.S.S.B. 1323 would establish provisions requiring certain plats for the subdivision of land to include proof of ground water supply.

### **PURPOSE**

As proposed, C.S.S.B. 1323 requires certain plats for the subdivision of land to include proof of groundwater supply.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Natural Resource Conservation Commission in SECTIONS 1 and 2 (Section 212.0101(a) and Section 232.0031(b), Local Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 212A, Local Government Code, by adding Section 212.0101, as follows:

Sec. 212.0101. **ADDITIONAL REQUIREMENTS: USE OF GROUNDWATER.** Prohibits the municipal authority responsible for approving plats from approving a plat for the subdivision of a tract of land for which the intended source of the water supply is groundwater under that land unless the plat application has attached to it a statement regarding the groundwater. Requires the Texas Natural Resource Conservation Commission (TNRCC), by rule, to establish the appropriate form and content of a certification to be attached to a plat application.

SECTION 2. Amends Chapter 232A, Local Government Code, by adding Section 232.0031, as follows:

Sec. 232.0031. **ADDITIONAL REQUIREMENTS: USE OF GROUNDWATER.** Prohibits the commissioners court of a county from approving a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, unless the plat application has a statement containing certain information attached to it. Require TNRCC, by rule, to establish the appropriate form and content of a certification to be attached to a plat application.

SECTION 3. Effective date: September 1, 1999.

Makes application of this Act prospective.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 212.0101, Local Government Code, by adding a new Subsection (b), to require TNRCC, by rule, to establish the appropriate form and content of a certification to be attached to

a plat application. Deletes proposed Subsection (b).

## SECTION 2.

Amends Section 232.0031, Local Government Code, by adding a new Subsection (b), to require TNRCC, by rule, to establish the appropriate form and content of a certification to be attached to a plat application. Deletes proposed Subsection (b).