

By: Perry, et al.
(Burrows)

S.B. No. 2440

Substitute the following for S.B. No. 2440:

By: King of Uvalde

C.S.S.B. No. 2440

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that certain plats for the subdivision of land include evidence of groundwater supply.

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

SECTION 1. Section 212.0101, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (d), and (e) to read as follows:

(a) Except as provided by Subsection (a-1), ~~[If a person submits]~~ a plat application 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 must ~~[, the municipal authority responsible for approving plats by ordinance may require the plat application to]~~ have attached to it a statement that:

(1) is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and

(2) certifies that adequate groundwater is available for the subdivision.

(a-1) A municipal authority responsible for approving plats may waive the requirement prescribed by Subsection (a) that a plat application have attached to it a statement described by that subsection if:

(1) the entire tract proposed to be subdivided by the plat is located in an area included in a map posted on the Texas Water Development Board's Internet website under Subsection (e); or

1 (2) both:

2 (A) the proposed subdivision divides the tract
3 into not more than 20 parts; and

4 (B) the municipal authority has a reasonable
5 belief that sufficient groundwater is available and will continue
6 to be available to the subdivided tract of land.

7 (a-2) A person subject to a waiver authorized by Subsection
8 (a-1)(2) regarding a subdivided tract of land must comply with the
9 requirements of Subsection (a) if the tract is subsequently divided
10 in a manner that results in the original tract being subdivided into
11 more than 20 parts.

12 (d) The executive administrator of the Texas Water
13 Development Board shall create and update maps delineating the
14 areas determined by the executive administrator to:

15 (1) be located over:

16 (A) the Gulf Coast Aquifer; or

17 (B) the Carrizo-Wilcox Aquifer; and

18 (2) have groundwater physically available to
19 landowners with an estimated average total dissolved solids
20 concentration of less than 1,000 milligrams per liter.

21 (e) The executive administrator of the Texas Water
22 Development Board shall make the most recent maps created or
23 updated under Subsection (d) publicly available on the board's
24 Internet website.

25 SECTION 2. Section [232.0032](#), Local Government Code, is
26 amended by amending Subsection (a) and adding Subsections (a-1),
27 (a-2), (d), and (e) to read as follows:

1 (a) Except as provided by Subsection (a-1), [~~If a person~~
2 ~~submits~~] a plat application for the subdivision of a tract of land
3 for which the source of the water supply intended for the
4 subdivision is groundwater under that land must [~~, the commissioners~~
5 ~~court of a county by order may require the plat application to~~] have
6 attached to it a statement that:

7 (1) is prepared by an engineer licensed to practice in
8 this state or a geoscientist licensed to practice in this state; and

9 (2) certifies that adequate groundwater is available
10 for the subdivision.

11 (a-1) A commissioners court may waive the requirement
12 prescribed by Subsection (a) that a plat application have attached
13 to it a statement described by that subsection if:

14 (1) the entire tract proposed to be subdivided by the
15 plat is located in an area included in a map posted on the Texas
16 Water Development Board's Internet website under Subsection (e); or

17 (2) both:

18 (A) the proposed subdivision divides the tract
19 into not more than 20 parts; and

20 (B) the commissioners court has a reasonable
21 belief that sufficient groundwater is available and will continue
22 to be available to the subdivided tract of land.

23 (a-2) A person subject to a waiver authorized by Subsection
24 (a-1)(2) regarding a subdivided tract of land must comply with the
25 requirements of Subsection (a) if the tract is subsequently divided
26 in a manner that results in the original tract being subdivided into
27 more than 20 parts.

1 (d) The executive administrator of the Texas Water
2 Development Board shall create and update maps delineating the
3 areas determined by the executive administrator to:

4 (1) be located over:

5 (A) the Gulf Coast Aquifer; or

6 (B) the Carrizo-Wilcox Aquifer; and

7 (2) have groundwater physically available to
8 landowners with an estimated average total dissolved solids
9 concentration of less than 1,000 milligrams per liter.

10 (e) The executive administrator of the Texas Water
11 Development Board shall make the most recent maps created or
12 updated under Subsection (d) publicly available on the board's
13 Internet website.

14 SECTION 3. The changes in law made by this Act apply only to
15 a plat application filed on or after the effective date of this Act.
16 A plat application filed before the effective date of this Act is
17 governed by the law in effect on the date the application was filed,
18 and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2023.