

By: Perry

S.B. No. 2440

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring certain plats for the subdivision of land to
3 include proof of groundwater supply.

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

5 SECTION 1. Section 212.0101(a), Local Government Code, is
6 amended to read as follows:

7 (a) If a person submits a plat for the subdivision of a tract
8 of land for which the source of the water supply intended for the
9 subdivision is groundwater under that land, the municipal authority
10 responsible for approving plats by ordinance shall [~~may~~] require
11 the plat application to have attached to it a statement that:

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

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

16 SECTION 2. Section 232.0032(a), Local Government Code, is
17 amended to read as follows:

18 (a) If a person submits a plat for the subdivision of a tract
19 of land for which the source of the water supply intended for the
20 subdivision is groundwater under that land, the commissioners court
21 of a county by order shall [~~may~~] require the plat application to
22 have attached to it a statement that:

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

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

3 SECTION 3. As soon as practicable after the effective date
4 of this Act, the Texas Commission on Environmental Quality shall
5 adopt rules implementing the changes in law made by this Act.

6 SECTION 4. The changes in law made by this Act apply only to
7 a plat for the subdivision of a tract of land that is filed on or
8 after the effective date of this Act. A plat for the subdivision of
9 a tract of land that is filed before the effective date of this Act
10 is governed by the law in effect at the time the application was
11 filed, and the former law is continued in effect for that purpose.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.