

## **BILL ANALYSIS**

C.S.H.B. 919  
By: Eiland  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Chapter 49.211, Water Code, pertains to a district that has the authority and jurisdiction over drainage responsibilities to carry out its functions, powers, rights, and duties that will permit accomplishment of the purposes for which it was created. It requires a district to adopt a master drainage plan before it can adopt rules relating to the review and approval of proposed drainage plans submitted by property developers.

However, in order to carry out its functions and duties, a district needs to be given the option to review and give its written approval for plats. This procedure will ensure existing drainage channels, streams, or other drainage features will be honored during the subdividing process. This will also give a district the ability to continue maintaining these facilities after the land changes from one owner to many owners. Additionally, future property owners will be notified through the title policy process of any drainage systems on the property and the entity maintaining the system.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 919 amends Chapter 49, Water Code, to permit a district to require a developer to submit for district approval a drainage report for the subdivision. The report must include a map containing a description of the land to be subdivided. The map must provide an accurate representation of any existing drainage features; any additional drainage facilities or connection to existing drainage facilities proposed by the developer; and any other part of the developer's plan that may affect drainage.

The district is required to review the report and approve it if it shows compliance with:

- (1) the requirements of this section
- (2) the district's master drainage plan; and
- (3) meets rules under Subsections (c)(2) and (d).

C.S.H.B. 919 also requires the district to send notice of approval or disapproval to the developer not later than 30 days after the report is received. The notice must be sent to the developer and each city or county with responsibility for approving the plat of the proposed subdivision.

If the district disapproves the report, it is required to include a written statement with the notice which provides: a written explanation for the rejection and recommendations for improvement of the plan that would make it acceptable for approval.

### **EFFECTIVE DATE**

On passage, or if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 919 amends Section 49.211, Water Code instead of adding a new Section 49.2115, Water Code, as proposed in the original. The substitute also makes conforming changes throughout to reflect this change.

The substitute provides an additional stipulation that a report is not required from every property developer who proposed to subdivide land located in the district but only property developers who propose to subdivide land located in the district and who are otherwise required to obtain approval of the plat of the proposed subdivision from a municipality or county.

C.S.H.B. 919 also deletes a requirement that the required map contain the name of each district responsible for drainage or flood control activities for any part of the land to be subdivided. The substitute also removes the requirement under this subsection that the district prepare a report identifying areas not in compliance but maintains the requirement from the original that the district include similar information in the notice of disapproval.

C.S.H.B. 919 also adds an additional requirement that the district must respond to the submission of the report in 30 days, but it deletes a requirement concerning response by certified mail.

Finally, C.S.H.B. 919 deletes all provisions in both the Water Code and the Local Government Code that prohibited a city or county from approving a plat of a proposed subdivision that would be subject to the requirements of the bill until each district with territory in the proposed subdivision approved the report.