

BILL ANALYSIS

Senate Research Center
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S.B. 1014
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Intergovernmental Relations
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DIGEST AND PURPOSE

Many of the new subdivisions being built in Texas are constructed in the unincorporated areas of counties, and county governments lack sufficient authority to provide protection for the purchaser of lots or dwellings in these subdivisions. As proposed, S.B. 1014 gives commissioners courts the authority to require a plat for land that is subdivided into two or more lots, each of which is 5 acres or less, and intended for residential use.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 4 (Section 232.0256, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 232.022(a), Local Government Code, to provide that this subchapter applies to a county that has elected by an order adopted by the commissioners court to operate under this subchapter.

SECTION 2. Amends Chapter 232B, Local Government Code, by adding Section 232.0225, as follows:

Sec. 232.0225. MINIMUM STATE STANDARDS. (a) Provides that to the extent this subchapter refers to minimum state standards or refers to the application of a provision of Chapter 16, Water Code, the references apply to all counties regardless of any limitation established by Chapter 16, Water Code, including the limitation established by Section 16.343(f), Water Code.

(b) Provides that this section and the other provisions of this subchapter do not authorize a county to participate in any financial assistance program or any other program authorized by Chapter 15, 16, or 17, Water Code, unless the county qualifies under the Water Code.

SECTION 3. Amends Section 232.025, Local Government Code, to add new requirements for subdivisions.

SECTION 4. Amends Chapter 232B, Local Government Code, by adding Sections 232.0255 and 232.0256, as follows:

Sec. 232.0255. STANDARD FOR ROADS IN SUBDIVISION. Provides that a county may not impose under Section 232.025 a higher standard for streets or roads in a subdivision than the county imposes on itself for the construction of streets or roads with a similar type and amount of traffic.

Sec. 232.0256. ADDITIONAL REQUIREMENTS: USE OF GROUNDWATER. (a)

Authorizes the commissioners court of a county by order, if a person submits 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, to require the plat application to have attached to it a statement that meets certain requirements.

(b) Requires the Texas Commission on Environmental Quality by rule to establish the appropriate form and content of a certification to be attached to a plat application under this section.

SECTION 5. Amends Section 232.038, Local Government Code, as follows:

Sec. 232.038. New heading: **SUIT BY PRIVATE PERSON** (a) Provides that this section applies only to certain individuals.

(b) Makes a conforming change.

SECTION 6. Amends Section 13.002(26), Water Code, to redefine “affected county.”

SECTION 7. Amends Section 13.2501, Water Code, to make a conforming change.

SECTION 8. Amends Section 26.001(26), Water Code, as added by Section 24, Chapter 979, Acts of the 74th Legislature, Regular Session, 1995, to make a conforming change.

SECTION 9. Makes application of this Act prospective to September 1, 2003.

SECTION 10. Effective date: September 1, 2003.