

By: Eiland

H.B. No. 919

A BILL TO BE ENTITLED

AN ACT

relating to the review and approval of a subdivision of land by certain special districts.

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

SECTION 1. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.2115 to read as follows:

Sec. 49.2115. APPROVAL OF SUBDIVISION DRAINAGE REPORT BY DISTRICT WITH DRAINAGE OR FLOOD CONTROL AUTHORITY. (a) This section applies only to a district that has adopted rules under Section 49.211(d).

(b) The district by rule may require that a property developer who proposes to subdivide land located in the district submit for district approval a drainage report for the subdivision. The drainage report must include a map containing a description of the land to be subdivided. The map must show:

(1) an accurate representation of:

(A) any existing drainage features, including drainage channels, streams, flood control improvements, and other facilities;

(B) any additional drainage facilities or connections to existing drainage facilities proposed by the property developer's plan for the subdivision; and

(C) any other parts of the property developer's plan for the subdivision that may affect drainage; and

1 (2) the name of each district responsible for drainage
2 or flood control activities for any part of the land to be
3 subdivided.

4 (c) The district shall review each drainage report
5 submitted to the district under this section and shall approve a
6 report if it shows compliance with:

7 (1) the requirements of this section;

8 (2) the district's master drainage plan adopted under
9 Section 49.211(c)(1); and

10 (3) the rules adopted by the district under Sections
11 49.211(c)(2) and (d).

12 (d) The district shall send by certified mail, return
13 receipt requested, notice of the district's approval or disapproval
14 of the drainage report to:

15 (1) the property developer; and

16 (2) each municipal or county authority with
17 responsibility for approving the plat of the proposed subdivision.

18 (e) If the district disapproves a drainage report, the
19 district shall include in the notice of disapproval a written
20 statement:

21 (1) explaining the reasons for the rejection; and

22 (2) recommending changes, if possible, that would make
23 a revised version of the drainage report acceptable for approval.

24 (f) A municipal or county authority with responsibility for
25 approving plats may not approve a plat of a proposed subdivision
26 that is subject to the requirements of this section until each
27 district in whose territory the subdivision is located and that

1 requires approval of a drainage report has approved the report.

2 SECTION 2. Section 212.010(b), Local Government Code, is
3 amended to read as follows:

4 (b) However, the municipal authority responsible for
5 approving plats may not approve a plat unless:

6 (1) the plat and other documents have been prepared as
7 required by Section 212.0105, if applicable; and

8 (2) the requirements of Section 49.2115, Water Code,
9 if applicable, have been satisfied.

10 SECTION 3. Section 232.002, Local Government Code, is
11 amended by adding Subsection (b-1) to read as follows:

12 (b-1) The commissioners court may not approve a plat unless
13 the requirements of Section 49.2115, Water Code, if applicable,
14 have been satisfied.

15 SECTION 4. Section 232.024(a), Local Government Code, is
16 amended to read as follows:

17 (a) A plat filed under Section 232.023 is not valid unless
18 the commissioners court of the county in which the land is located
19 approves the plat by an order entered in the minutes of the court.
20 The commissioners court shall refuse to approve a plat if:

21 (1) it does not meet the requirements prescribed by or
22 under this subchapter;

23 (2) ~~or if~~ any bond required under this subchapter is
24 not filed with the county clerk; or

25 (3) the requirements of Section 49.2115, Water Code,
26 if applicable, have not been satisfied.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.