

1-1 By: Wentworth S.B. No. 1014  
1-2 (In the Senate - Filed March 7, 2003; March 13, 2003, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 22, 2003, reported favorably by the following  
1-5 vote: Yeas 4, Nays 0; April 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the regulation of the subdivision of land under the  
1-9 jurisdiction of counties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 232.022, Local  
1-12 Government Code, is amended to read as follows:

1-13 (a) This subchapter applies only to:

1-14 (1) a county any part of which is located within 50  
1-15 miles of an international border; or

1-16 (2) a county that has elected by an order adopted by  
1-17 the commissioners court to operate under this subchapter.

1-18 SECTION 2. Subchapter B, Chapter 232, Local Government  
1-19 Code, is amended by adding Section 232.0225 to read as follows:

1-20 Sec. 232.0225. MINIMUM STATE STANDARDS. (a) To the extent  
1-21 this subchapter refers to minimum state standards or refers to the  
1-22 application of a provision of Chapter 16, Water Code, the  
1-23 references apply to all counties regardless of any limitation  
1-24 established by Chapter 16, Water Code, including the limitation  
1-25 established by Section 16.343(f), Water Code.

1-26 (b) This section and the other provisions of this subchapter  
1-27 do not authorize a county to participate in any financial  
1-28 assistance program or any other program authorized by Chapter 15,  
1-29 16, or 17, Water Code, unless the county qualifies under the Water  
1-30 Code.

1-31 SECTION 3. Section 232.025, Local Government Code, is  
1-32 amended to read as follows:

1-33 Sec. 232.025. SUBDIVISION REQUIREMENTS. By an order  
1-34 adopted and entered in the minutes of the commissioners court, and  
1-35 after a notice is published in English and Spanish in a newspaper of  
1-36 general circulation in the county, the commissioners court shall  
1-37 for each subdivision:

1-38 (1) require a right-of-way on a street or road that  
1-39 functions as a main artery in a subdivision, of a width of not less  
1-40 than 50 feet or more than 100 feet;

1-41 (2) require a right-of-way on any other street or road  
1-42 in a subdivision of not less than 40 feet or more than 70 feet;

1-43 (3) require that the shoulder-to-shoulder width on  
1-44 collectors or main arteries within the right-of-way be not less  
1-45 than 32 feet or more than 56 feet, and that the shoulder-to-shoulder  
1-46 width on any other street or road be not less than 25 feet or more  
1-47 than 35 feet;

1-48 (4) adopt, based on the amount and kind of travel over  
1-49 each street or road in a subdivision, reasonable specifications  
1-50 relating to the construction of each street or road;

1-51 (5) adopt reasonable specifications to provide  
1-52 adequate drainage for each street or road in a subdivision in  
1-53 accordance with standard engineering practices;

1-54 (6) require that each purchase contract made between a  
1-55 subdivider and a purchaser of land in the subdivision contain a  
1-56 statement describing how and when water, sewer, electricity, and  
1-57 gas services will be made available to the subdivision; ~~and~~

1-58 (7) require that the subdivider of the tract execute a  
1-59 bond in the manner provided by Section 232.027;

1-60 (8) adopt reasonable specifications that provide for  
1-61 drainage in the subdivision to:

1-62 (A) efficiently manage the flow of stormwater  
1-63 runoff in the subdivision; and

1-64 (B) coordinate subdivision drainage with the

2-1 general storm drainage pattern for the area; and

2-2 (9) require lot and block monumentation to be set by a  
2-3 registered professional surveyor before recordation of the plat.

2-4 SECTION 4. Subchapter B, Chapter 232, Local Government  
2-5 Code, is amended by adding Sections 232.0255 and 232.0256 to read as  
2-6 follows:

2-7 Sec. 232.0255. STANDARD FOR ROADS IN SUBDIVISION. A county  
2-8 may not impose under Section 232.025 a higher standard for streets  
2-9 or roads in a subdivision than the county imposes on itself for the  
2-10 construction of streets or roads with a similar type and amount of  
2-11 traffic.

2-12 Sec. 232.0256. ADDITIONAL REQUIREMENTS: USE OF  
2-13 GROUNDWATER. (a) If a person submits a plat for the subdivision of  
2-14 a tract of land for which the source of the water supply intended  
2-15 for the subdivision is groundwater under that land, the  
2-16 commissioners court of a county by order may require the plat  
2-17 application to have attached to it a statement that:

2-18 (1) is prepared by an engineer licensed to practice in  
2-19 this state or a geoscientist licensed to practice in this state; and

2-20 (2) certifies that adequate groundwater is available  
2-21 for the subdivision.

2-22 (b) The Texas Commission on Environmental Quality by rule  
2-23 shall establish the appropriate form and content of a certification  
2-24 to be attached to a plat application under this section.

2-25 SECTION 5. Section 232.038, Local Government Code, is  
2-26 amended to read as follows:

2-27 Sec. 232.038. SUIT BY PRIVATE PERSON [~~IN ECONOMICALLY~~  
2-28 ~~DISTRESSED AREA~~]. (a) This section applies only to:

2-29 (1) a [~~A~~] person who has purchased or is purchasing  
2-30 from a subdivider a lot after July 1, 1995, in a subdivision for  
2-31 residential purposes that does not have water and sewer services as  
2-32 required by this subchapter and is located in an economically  
2-33 distressed area, as defined by Section 17.921, Water Code, from a  
2-34 subdivider; or

2-35 (2) a person who has purchased or is purchasing from a  
2-36 subdivider a lot after September 1, 2003, in a subdivision for  
2-37 residential purposes that does not have water and sewer services as  
2-38 required by this subchapter.

2-39 (b) A person described by Subsection (a) [~~7~~] may bring suit  
2-40 in the district court in which the property is located or in a  
2-41 district court in Travis County to:

2-42 (1) declare the sale of the property void and require  
2-43 the subdivider to return the purchase price of the property; and

2-44 (2) recover from the subdivider:  
2-45 (A) the market value of any permanent  
2-46 improvements the person placed on the property;  
2-47 (B) actual expenses incurred as a direct result  
2-48 of the failure to provide adequate water and sewer facilities;  
2-49 (C) court costs; and  
2-50 (D) reasonable attorney's fees.

2-51 SECTION 6. Subdivision (26), Section 13.002, Water Code, is  
2-52 amended to read as follows:

2-53 (26) "Affected county" is a county any part of which is  
2-54 located within 50 miles of an international border [~~to which~~  
2-55 ~~Subchapter B, Chapter 232, Local Government Code, applies~~].

2-56 SECTION 7. Section 13.2501, Water Code, is amended to read  
2-57 as follows:

2-58 Sec. 13.2501. CONDITIONS REQUIRING REFUSAL OF SERVICE. The  
2-59 holder of a certificate of public convenience and necessity shall  
2-60 refuse to serve a customer within its certified area if the holder  
2-61 of the certificate is prohibited from providing the service under  
2-62 Section 212.012 or 232.029 [~~232.0047~~], Local Government Code.

2-63 SECTION 8. Subdivision (26), Section 26.001, Water Code, as  
2-64 added by Section 24, Chapter 979, Acts of the 74th Legislature,  
2-65 Regular Session, 1995, is amended to read as follows:

2-66 (26) "Affected county" is a county any part of which is  
2-67 located within 50 miles of an international border [~~to which~~  
2-68 ~~Subchapter B, Chapter 232, Local Government Code, applies~~].

2-69 SECTION 9. The changes in law made by this Act to Chapter

3-1 232, Local Government Code, and other statutes apply only to a tract  
3-2 of land subdivided on or after September 1, 2003. A tract of land  
3-3 subdivided before that date is governed by the law in effect  
3-4 immediately before that date, and the former law is continued in  
3-5 effect for that purpose.

3-6 SECTION 10. This Act takes effect September 1, 2003.

3-7

\* \* \* \* \*