

BILL ANALYSIS

H.B. 1313
By: Hilderbran
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1999 the 76th Legislature passed Senate Bill 1323, authored by Senator Jeff Wentworth and Representative Harvey Hilderbran, which allows a municipal authority or county to require a developer to submit evidence that, if they plan to use groundwater, there will be enough groundwater to supply the development. This law is codified in Sections 212.0101 and 232.0032 of the Local Government Code. The Texas Commission on Environmental Quality subsequently passed rules related to Senate Bill 1323 in Title 30, Chapter 230 of the Texas Administrative Code.

Current law only requires developers to submit evidence to a municipal authority and county (where required) that there will be enough groundwater to supply the development on a form prescribed by the Texas Commission on Environmental Quality. The evidence includes aquifer tests—tests performed by geoscientists or engineers to determine how readily the aquifer transmits water. These tests, often costing thousands of dollars to perform and analyze, are valuable for better understanding the groundwater resources of the state and improving groundwater availability models. At this time, the Texas Water Development Board and groundwater conservation districts do not receive this data.

The following counties require groundwater availability certification for platting: Bandera, Bastrop, Bell, Blanco, Brazos, Comal, El Paso, Gillespie, Guadalupe, Kendall, Lampasas, Medina, and Travis. Several other counties are considering requiring these certifications. There is no data available on which cities require groundwater availability certification.

This bill would add the Texas Water Development Board and any relevant groundwater conservation district to the list of entities who receive groundwater data from a subdivision developer, if the municipality or county requires the data to be submitted with a plat application. Groundwater conservation districts and regional water planners would have additional data to conduct their work. Also, the state would have more information to maintain its groundwater database and for conducting groundwater studies.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 and in SECTION 2 of this bill.

ANALYSIS

SECTION 1. Section 212.0101, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c), as follows:

- (b) Substitutes the Texas Commission on Environmental Quality for the Texas Natural Resource Conservation Commission.
- (c) Requires the Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule to require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:
 - (1) performing groundwater conservation district activities;
 - (2) conducting regional water planning;
 - (3) maintaining the state's groundwater database; or

- (4) conducting studies for the state related to ground water.

SECTION 2. Section 232.0032, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c), as follows:

- (b) Substitutes the Texas Commission on Environmental Quality for the Texas Natural Resource Conservation Commission.
- (c) Requires the Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule to require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:
 - (1) performing groundwater conservation district activities;
 - (2) conducting regional water planning;
 - (3) maintaining the state's groundwater database; or
 - (4) conducting studies for the state related to groundwater.

SECTION 3. Requires the Texas Commission on Environmental Quality to adopt rules required by Sections 212.0101(c) and 232.0032(c), Local Government Code, as added by this Act, not later than September 1, 2008.

EFFECTIVE DATE

September 1, 2007.