

By: Jackson, Mike

S.B. No. 1748

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the issuance of a certificate for a municipal setting  
3 designation.

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

5 SECTION 1. Section 361.8065(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) Before the executive director may issue a municipal  
8 setting designation certificate under Section 361.807, the  
9 applicant must provide documentation, which may be in the form of an  
10 affidavit of the applicant or the applicant's representative, of  
11 the following:

12 (1) that no resolution opposing the application has  
13 been [~~is supported by a resolution~~] adopted by:

14 (A) the city council of any [~~each~~] municipality  
15 described by Section 361.805(a)(1)(B) or (C); or [~~and~~]

16 (B) the governing body of any [~~each~~] retail  
17 public utility described by Section 361.805(a)(3); and

18 (2) that the property for which designation is sought  
19 is:

20 (A) subject to an ordinance that prohibits the  
21 use of designated groundwater from beneath the property as potable  
22 water and that appropriately restricts other uses of and contact  
23 with that groundwater; or

24 (B) subject to a restrictive covenant

1 enforceable by the municipality in which the property for which the  
2 designation is sought is located that prohibits the use of  
3 designated groundwater from beneath the property as potable water  
4 and appropriately restricts other uses of and contact with that  
5 groundwater.

6 SECTION 2. Section 361.807(c), Health and Safety Code, is  
7 amended to read as follows:

8 (c) If the executive director determines that an applicant  
9 has submitted a complete application except that an ordinance or  
10 restrictive covenant and any required documentation [~~resolutions~~]  
11 satisfying the requirements described in Section 361.8065 have not  
12 been submitted, the executive director shall issue a letter to the  
13 applicant listed in Subsection (a) stating that a municipal setting  
14 designation will be certified on submission of a copy of the  
15 ordinance or restrictive covenant and any required documentation  
16 [~~resolutions~~] satisfying the requirements described in Section  
17 361.8065. On submission of the ordinance or restrictive covenant  
18 and any required documentation [~~resolutions~~] satisfying the  
19 requirements described in Section 361.8065, the executive director  
20 shall issue a municipal setting designation certificate in  
21 accordance with Subsections (a) and (b).

22 SECTION 3. This Act takes effect September 1, 2009.