

Suspending limitations on conference committee
jurisdiction, H.B. No. 3697 (Wilson/Bettencourt)

By: Wilson

H.R. No. 2506

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 88th Legislature, Regular Session, 2023, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 3697 (county regulation of
6 subdivisions and approval of subdivision plans or plats) to
7 consider and take action on the following matters:

8 (1) House Rule 13, Sections 9(a)(1), (3), and (4), are
9 suspended to permit the committee to change, alter, or amend text
10 which is not in disagreement, to add text on any matter which is not
11 in disagreement, and to add text on any matter which is not included
12 in either the house or senate version of the bill in proposed
13 SECTION 1 of the bill, in Section 232.001, Local Government Code, by
14 amending Subsection (a) and adding Subsection (g) to read as
15 follows:

16 (a) The owner of a tract of land located outside the limits
17 of a municipality must have a plat of the subdivision prepared if
18 the owner divides the tract into two or more parts to lay out:

- 19 (1) a subdivision of the tract, including an addition;
20 (2) lots; or
21 (3) streets, alleys, squares, parks, or other parts of
22 the tract intended by the owner of the tract to be dedicated to
23 public use [~~or for the use of purchasers or owners of lots fronting~~
24 ~~on or adjacent to the streets, alleys, squares, parks, or other~~

1 parts].

2 (g) A plat is considered filed on the date the applicant
3 submits the plat, along with a completed plat application and the
4 application fees and other requirements prescribed by or under this
5 subchapter, to:

6 (1) the commissioners court; or

7 (2) the county authority responsible for approving
8 plats.

9 Explanation: The change is necessary to repeal the plat
10 preparation requirement in relation to purchasers or owners of
11 certain lots and to specify the date on which a plat is considered
12 filed.

13 (2) House Rule 13, Section 9(a)(4), is suspended to permit
14 the committee to add text on any matter which is not included in
15 either the house or senate version of the bill by adding the
16 following SECTIONS to the bill:

17 SECTION 2. Subchapter A, Chapter 232, Local Government
18 Code, is amended by adding Sections 232.0012 and 232.0022 to read as
19 follows:

20 Sec. 232.0012. CONSTRUCTION OF SUBCHAPTER. This subchapter
21 may not be construed to restrict a county from establishing a
22 submittal calendar to be used by an applicant to facilitate
23 compliance with the approval process described by Sections
24 232.0025, 232.0026, 232.0027, and 232.0028.

25 Sec. 232.0022. DELEGATION OF APPROVAL RESPONSIBILITY. (a)
26 The commissioners court of a county or the court's designee may
27 designate to one or more officers or employees of the county the

1 authority to approve, approve with conditions, or disapprove a
2 plat.

3 (b) An applicant has the right to appeal to the
4 commissioners court or the court's designee if the designated
5 person or persons disapprove a plat.

6 SECTION 3. The heading to Section 232.0025, Local
7 Government Code, is amended to read as follows:

8 Sec. 232.0025. APPROVAL PROCEDURE: TIMELY APPROVAL OF PLATS
9 [~~AND PLANS~~].

10 SECTION 5. Section 232.0026(a), Local Government Code, is
11 amended to read as follows:

12 (a) A commissioners court or county authority responsible
13 for approving plats [~~designee~~] that conditionally approves or
14 disapproves of a plat application under this subchapter shall
15 provide the applicant a written statement of the conditions for the
16 conditional approval or the reasons for disapproval that clearly
17 articulates each specific condition for the conditional approval or
18 reason for disapproval.

19 SECTION 6. Sections 232.0027 and 232.0028, Local Government
20 Code, are amended to read as follows:

21 Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO
22 CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional
23 approval or disapproval of a plat application under Section
24 232.0026, the applicant may submit to the commissioners court or
25 county authority responsible for approving plats [~~designee~~] that
26 conditionally approved or disapproved the application a written
27 response that satisfies each condition for the conditional approval

1 or remedies each reason for disapproval provided. The
2 commissioners court or county authority [~~designee~~] may not
3 establish a deadline for an applicant to submit the response.

4 Sec. 232.0028. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL
5 OF RESPONSE. (a) A commissioners court or county authority
6 responsible for approving plats [~~designee~~] that receives a response
7 under Section 232.0027 shall determine whether to approve or
8 disapprove the applicant's previously conditionally approved or
9 disapproved plat application not later than the 15th day after the
10 date the response was submitted under Section 232.0027.

11 (b) A commissioners court or county authority responsible
12 for approving plats [~~designee~~] that conditionally approves or
13 disapproves a plat application following the submission of a
14 response under Section 232.0027:

15 (1) must comply with Section 232.0026; and

16 (2) may disapprove the application only for a specific
17 condition or reason provided to the applicant for the original
18 application under Section 232.0026.

19 (c) A commissioners court or county authority responsible
20 for approving plats [~~designee~~] that receives a response under
21 Section 232.0027 shall approve a previously conditionally approved
22 or disapproved plat application if the applicant's response
23 adequately addresses each condition for the conditional approval or
24 each reason for the disapproval.

25 (d) A previously conditionally approved or disapproved plat
26 application is approved if:

27 (1) the applicant filed a response that meets the

1 requirements of Subsection (c); and

2 (2) the commissioners court or county authority
3 responsible for approving plats [~~designee~~] that received the
4 response does not disapprove the application on or before the date
5 required by Subsection (a) and in accordance with Section 232.0026.

6 SECTION 8. Section 232.0025(d-1), Local Government Code, is
7 repealed.

8 Explanation: The change is necessary to provide limitations
9 on county regulation of subdivisions and approval of subdivision
10 plats and plans.

11 (3) House Rule 13, Section 9(a)(4), is suspended to permit
12 the committee to add text on any matter which is not included in
13 either the house or senate version of the bill in proposed SECTION 4
14 of the bill, by amending Sections 232.0025(b), (c), (d), (f), (g),
15 and (h), Local Government Code, and adding Section 232.0025(f-1),
16 Local Government Code, to read as follows:

17 (b) If a person submits a plat application to the
18 commissioners court that does not include all of the documentation
19 or other information required by Subsection (a), the commissioners
20 court or the county authority responsible for approving plats
21 [~~court's designee~~] shall, not later than the 10th business day
22 after the date the commissioners court receives the application,
23 notify the applicant of the missing documents or other information.
24 The commissioners court shall allow an applicant to timely submit
25 the missing documents or other information.

26 (c) An application is considered complete when all
27 documentation or other information required by Subsection (a) is

1 received. Acceptance by the commissioners court or the county
2 authority responsible for approving plats [~~court's designee~~] of a
3 completed plat application with the documentation or other
4 information required by Subsection (a) shall not be construed as
5 approval of the documentation or other information.

6 (d) Except as provided by Subsection (f), the commissioners
7 court or the county authority responsible for approving plats
8 [~~court's designee~~] shall approve, approve with conditions, or
9 disapprove a plat application not later than the 30th day after the
10 date the completed application is received by the commissioners
11 court or the county authority [~~court's designee~~]. An application is
12 approved by the commissioners court or the county authority
13 [~~court's designee~~] unless the application is disapproved within
14 that period and in accordance with Section [232.0026](#).

15 (f) The 30-day period under Subsection (d):

16 (1) for a purpose related to Chapter [2007](#), Government
17 Code, may be extended for a period not to exceed 30 days, if:

18 (A) requested and agreed to in writing by the
19 applicant and approved by the commissioners court or the county
20 authority responsible for approving plats [~~court's designee~~]; or

21 (B) Chapter [2007](#), Government Code, requires the
22 county to perform a takings impact assessment in connection with
23 the plat application; or [~~and~~]

24 (2) for a purpose unrelated to Chapter [2007](#),
25 Government Code, may be extended for one or more periods, not to
26 exceed 30 days, if requested and agreed to in writing by the
27 applicant and approved by the commissioners court or the county

1 authority.

2 (f-1) The 30-day period under Subsection (d) applies only to
3 a decision wholly within the control of the commissioners court or
4 the county authority responsible for approving plats [~~court's~~
5 ~~designee~~].

6 (g) The commissioners court or the county authority
7 responsible for approving plats [~~court's designee~~] shall make the
8 determination under Subsection (f)(1) of whether the 30-day period
9 will be extended not later than the 20th day after the date a
10 completed plat application is received by the commissioners court
11 or the county authority [~~court's designee~~].

12 (h) The commissioners court or the county authority
13 responsible for approving plats [~~court's designee~~] may not require
14 an applicant to waive the time limits or approval procedure
15 contained in this subchapter.

16 Explanation: The change is necessary to conform to other
17 changes made in the bill and to change requirements relating to the
18 timely approval of plat applications.

19 (4) House Rule 13, Sections 9(a)(1), (3), and (4), are
20 suspended to permit the committee to change, alter, or amend text
21 which is not in disagreement, to add text on any matter which is not
22 in disagreement, and to add text on any matter which is not included
23 in either the house or senate version of the bill in proposed
24 SECTION 4 of the bill, by amending Section 232.0025(i), Local
25 Government Code, to read as follows:

26 (i) If the commissioners court or the county authority
27 responsible for approving plats [~~court's designee~~] fails to

1 approve, approve with conditions, or disapprove a plat application
2 as required by this subchapter:

3 (1) the commissioners court shall refund the greater
4 of the unexpended portion of any application fee or deposit or 50
5 percent of an application fee or deposit that has been paid;

6 (2) the application is granted by operation of law;
7 [~~and~~]

8 (3) the applicant may apply to a district court in the
9 county where the tract of land is located for a writ of mandamus to
10 compel the commissioners court to issue documents recognizing the
11 plat application's approval;

12 (4) the applicant shall recover reasonable attorney's
13 fees and court costs incurred in bringing an action under
14 Subdivision (3) if the applicant prevails; and

15 (5) the county may recover reasonable attorney's fees
16 and court costs incurred in an action brought under Subdivision (3)
17 if the county prevails and the court finds the action is frivolous.

18 Explanation: The change is necessary to conform to other
19 changes made in the bill and to provide for the awarding of
20 attorney's fees and court costs in certain actions.