

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

By: Bettencourt

S.R. No. 716

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 88th Legislature, Regular Session, 2023, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 3697 (county regulation of subdivisions and approval of subdivision plans or plats) to consider and take action on the following matters:

(1) Senate Rules 12.03(1), (3), and (4) are suspended to permit the committee to change, alter, or amend text which is not in disagreement, to add text on any matter which is not in disagreement, and to add text on any matter which is not included in either the house or senate version of the bill in proposed SECTION 1 of the bill, in Section 232.001, Local Government Code, by amending Subsection (a) and adding Subsection (g) to read as follows:

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

(1) a subdivision of the tract, including an addition;

(2) lots; or

(3) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to

public use [~~or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts~~].

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

(1) the commissioners court; or

(2) the county authority responsible for approving plats.

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

(2) Senate Rule 12.03(4) is suspended to permit the committee to add text on any matter which is not included in either the house or senate version of the bill by adding the following SECTIONS to the bill:

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

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

Sec. 232.0022. DELEGATION OF APPROVAL RESPONSIBILITY.

(a) The commissioners court of a county or the court's designee may designate to one or more officers or employees of the county the authority to approve, approve with conditions, or disapprove a plat.

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

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

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

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

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

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

Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plat application under Section 232.0026, the applicant may submit to the commissioners court or county authority responsible for approving plats [~~designee~~] that

conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The commissioners court or county authority [~~designee~~] may not establish a deadline for an applicant to submit the response.

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

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

(1) must comply with Section 232.0026; and

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

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

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

(1) the applicant filed a response that meets the requirements of Subsection (c); and

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

SECTION 8. Section [232.0025](#)(d-1), Local Government Code, is repealed.

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

(3) Senate Rule 12.03(4) is suspended to permit the committee to add text on any matter which is not included in either the house or senate version of the bill in proposed SECTION 4 of the bill, by amending Sections [232.0025](#)(b), (c), (d), (f), (g), and (h), Local Government Code, and adding Section [232.0025](#)(f-1), Local Government Code, to read as follows:

(b) If a person submits a plat application to the commissioners court that does not include all of the documentation or other information required by Subsection (a), the commissioners court or the county authority responsible for approving plats [~~court's designee~~] shall, not later than the 10th business day after the date the commissioners court receives the application, notify the applicant of the missing documents or

other information. The commissioners court shall allow an applicant to timely submit the missing documents or other information.

(c) An application is considered complete when all documentation or other information required by Subsection (a) is received. Acceptance by the commissioners court or the county authority responsible for approving plats [~~court's designee~~] of a completed plat application with the documentation or other information required by Subsection (a) shall not be construed as approval of the documentation or other information.

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

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

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

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

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

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

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

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

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

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

(4) Senate Rules 12.03(1), (3), and (4) are suspended to permit the committee to change, alter, or amend text which is not

in disagreement, to add text on any matter which is not in disagreement, and to add text on any matter which is not included in either the house or senate version of the bill in proposed SECTION 4 of the bill, by amending Section 232.0025(i), Local Government Code, to read as follows:

(i) If the commissioners court or the county authority responsible for approving plats [~~court's designee~~] fails to approve, approve with conditions, or disapprove a plat application as required by this subchapter:

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

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

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

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

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

Explanation: The change is necessary to conform to other



S.R. No. 716

changes made in the bill and to provide for the awarding of attorney's fees and court costs in certain actions.

---

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 28, 2023, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate