

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

By: Bettencourt

S.R. No. 716

R E S O L U T I O N

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

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

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

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

19 (2) lots; or

20 (3) streets, alleys, squares, parks, or other parts of
21 the tract intended by the owner of the tract to be dedicated to
22 public use [~~or for the use of purchasers or owners of lots fronting~~
23 ~~on or adjacent to the streets, alleys, squares, parks, or other~~
24 ~~parts~~].

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

5 (1) the commissioners court; or

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

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

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

16 SECTION 2. Subchapter [A](#), Chapter [232](#), Local Government
17 Code, is amended by adding Sections 232.0012 and 232.0022 to read as
18 follows:

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

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

1 plat.

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

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

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

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

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

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

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

1 commissioners court or county authority [~~designee~~] may not
2 establish a deadline for an applicant to submit the response.

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

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

14 (1) must comply with Section 232.0026; and

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

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

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

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

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

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

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

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

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

25 (c) An application is considered complete when all
26 documentation or other information required by Subsection (a) is
27 received. Acceptance by the commissioners court or the county

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

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

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

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

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

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

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

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

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

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

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

18 (4) Senate Rules 12.03(1), (3), and (4) are suspended to
19 permit the committee to change, alter, or amend text which is not in
20 disagreement, to add text on any matter which is not in
21 disagreement, and to add text on any matter which is not included in
22 either the house or senate version of the bill in proposed SECTION 4
23 of the bill, by amending Section [232.0025\(i\)](#), Local Government
24 Code, to read as follows:

25 (i) If the commissioners court or the county authority
26 responsible for approving plats [~~court's designee~~] fails to
27 approve, approve with conditions, or disapprove a plat application

1 as required by this subchapter:

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

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

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

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

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

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