

1-1 By: Smith of Harris (Senate Sponsor - Lindsay) H.B. No. 266
1-2 (In the Senate - Received from the House March 1, 2005;
1-3 March 30, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 20, 2005, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 266 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the time for processing certain county permits.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 233, Local Government Code, is amended
1-13 by adding Subchapter Z to read as follows:

1-14 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

1-15 Sec. 233.901. TIME FOR ISSUANCE OF COUNTY BUILDING PERMIT.

1-16 (a) This section applies only to a permit required by a county with
1-17 a population of 3.3 million or more to construct or improve a
1-18 building or other structure in the county, but does not apply to a
1-19 permit for an on-site sewage disposal system.

1-20 (b) Not later than the 45th day after the date an
1-21 application for a permit is submitted, the county must:

1-22 (1) grant or deny the permit;

1-23 (2) provide written notice to the applicant stating
1-24 the reasons why the county has been unable to act on the permit
1-25 application; or

1-26 (3) reach a written agreement with the applicant
1-27 providing for a deadline for granting or denying the permit.

1-28 (c) For a permit application for which notice is provided
1-29 under Subsection (b)(2), the county must grant or deny the permit
1-30 not later than the 30th day after the date the notice is received.

1-31 (d) If a county fails to act on a permit application in the
1-32 time required by Subsection (c) or by an agreement under Subsection
1-33 (b)(3), the county:

1-34 (1) may not collect any permit fees associated with
1-35 the application; and

1-36 (2) shall refund to the applicant any permit fees
1-37 associated with the application that have been collected.

1-38 Sec. 233.902. TIME FOR ISSUANCE OF CERTAIN COUNTY PERMITS
1-39 REQUIRED FOR SUBDIVISION OF LAND. (a) In this section, "permit"
1-40 has the meaning assigned by Section 245.001 and includes a plat
1-41 required for the subdivision of land.

1-42 (b) The time in which a county may require a permit for the
1-43 subdivision of land is considered to have expired if:

1-44 (1) the land to be subdivided that is subject to the
1-45 county's permitting jurisdiction is:

1-46 (A) within the extraterritorial jurisdiction of
1-47 a municipality; and

1-48 (B) the subject of a written agreement between
1-49 the owner of the land and a municipality that was effective before
1-50 January 1, 2005, and that provides the municipality shall have the
1-51 exclusive authority to approve permits related to the development
1-52 of the land;

1-53 (2) as of January 1, 2005, the municipality and the
1-54 county have not entered into an agreement as required by Section
1-55 242.001;

1-56 (3) the land is located in a district that, under
1-57 Section 49.002, Water Code, is subject to Chapter 49, Water Code;
1-58 and

1-59 (4) the owner of the land has agreed to develop the
1-60 land in accordance with the agreement described by Subdivision
1-61 (1)(B).

1-62 SECTION 2. Section 233.901, Local Government Code, as added
1-63 by this Act, applies only to an application for a permit submitted

2-1 on or after September 1, 2005. An application for a permit
2-2 submitted before that date is governed by the law in effect when the
2-3 application was submitted, and the former law is continued in
2-4 effect for that purpose.

2-5 SECTION 3. This Act takes effect September 1, 2005.

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