

By: Kuempel

H.B. No. 1704

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the approval of certain permit applications by local
3 governments.

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

5 SECTION 1. Subdivision (1), Section 245.001, Local
6 Government Code, is amended to read as follows:

7 (1) "Permit" means a license, certificate, approval,
8 registration, consent, permit, contract or other agreement for the
9 construction or provision of utilities, or any other form of
10 authorization or condition precedent required by law, rule,
11 regulation, order, or ordinance that a person must obtain to
12 perform an action or initiate, continue, or complete a project for
13 which the permit is sought.

14 SECTION 2. Section 245.002, Local Government Code, is
15 amended by amending Subsection (a) and adding Subsection (a-1), to
16 read as follows:

17 (a) Each regulatory agency shall consider the approval,
18 disapproval, or conditional approval of an application for a permit
19 solely on the basis of any orders, regulations, ordinances, rules,
20 expiration dates, or other properly adopted requirements in effect
21 at the time:

22 (1) the original application for the permit is filed
23 for review for any purpose, including review for administrative
24 completeness; or

1 (2) a plan for development of real property is filed
2 with a regulatory agency.

3 (a-1) Rights to which a permit applicant is entitled under
4 this chapter accrue on filing of an original application or plan of
5 development that gives the regulatory agency fair notice of the
6 project and the nature of the permit sought. An application or plan
7 is considered filed on the date the applicant delivers the
8 application or plan to the regulatory agency or deposits the
9 application or plan with the United States Postal Service by
10 certified mail addressed to the regulatory agency. A certified
11 mail receipt obtained by the applicant at the time of deposit is
12 prima facie evidence of the date the application or plan was
13 deposited with the United States Postal Service.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.

1 COMMITTEE AMENDMENT NO. 1

2 Amend H.B. 1704 as follows, on page 1, line 9, strike
3 "utilities, or any other form of authorization or condition
4 precedent" and substitute "service from a utility owned, operated
5 or controlled by the regulatory agency, or other form of
6 authorization".

7 Cook of Colorado

8 COMMITTEE AMENDMENT NO. 2

9 Amend H.B. 1704 as follows, on page 2, line 14, insert new
10 SECTION 3 to read, "This Act shall be construed to provide for the
11 accrual of rights to develop property under regulations in effect
12 at a time certain; provided however, that nothing in this Act shall
13 be construed to prohibit a regulatory agency from requiring
14 compliance with technical requirements relating to the form and
15 content of an application after the applicant's development rights
16 are accrued pursuant to Section 245.002 (a-1), if such requirements
17 are in effect at the time the application is filed." Renumber the
18 existing sections appropriately.

19 Orr