

By: Chavez

H.B. No. 3473

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to an exemption from the platting requirement in certain  
3 counties near an international border.

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

5 SECTION 1. Section 232.023(a), Local Government Code, is  
6 amended to read as follows:

7 (a) Except as provided by Section 232.0235, a [A] subdivider  
8 of land must have a plat of the subdivision prepared. A subdivision  
9 of a tract under this subsection includes a subdivision of real  
10 property by any method of conveyance, including a contract for  
11 deed, oral contract, contract of sale, or other type of executory  
12 contract, regardless of whether the subdivision is made by using a  
13 metes and bounds description.

14 SECTION 2. Subchapter B, Local Government Code, is amended  
15 by adding Section 232.0235 to read as follows:

16 Sec. 232.0235. EXEMPTION FROM PLATTING REQUIREMENT. (a) In  
17 this section, "colonia" has the meaning assigned by Section  
18 775.001, Government Code.

19 (b) A subdivider of land is not required to have a plat of a  
20 subdivision prepared if the subdivider receives a waiver from the  
21 attorney general.

22 (c) The attorney general may grant a waiver only to a  
23 nonprofit corporation exempted from federal income taxation under  
24 Section 501(a), Internal Revenue Code of 1986, by being listed as an

1 exempt entity under Section 501(c)(3) of that code.

2 (d) A nonprofit corporation is eligible for a waiver if the  
3 corporation requests the waiver as part of a demonstrable plan to  
4 make improvements to an existing colonia to bring the colonia into  
5 compliance with relevant provisions of the Health and Safety Code.

6 SECTION 3. Sections 232.029(a) and (b), Local Government  
7 Code, are amended to read as follows:

8 (a) Except as provided by Subsection (c) of this section,  
9 Section 232.0235, or Section 232.037(c), a utility may not serve or  
10 connect any subdivided land with water or sewer services unless the  
11 utility receives a certificate issued by the commissioners court  
12 under Section 232.028(a) or receives a determination from the  
13 commissioners court under Section 232.028(b)(1) that the plat has  
14 been reviewed and approved by the commissioners court.

15 (b) Except as provided by Subsection (c) of this section,  
16 Section 232.0235, or Section 232.037(c), a utility may not serve or  
17 connect any subdivided land with electricity or gas unless the  
18 entity receives a determination from the county commissioners court  
19 under Section 232.028(b)(2) that adequate water and sewer services  
20 have been installed to service the subdivision.

21 SECTION 4. As soon as practicable after the effective date  
22 of this Act, the attorney general of the State of Texas shall  
23 develop a procedure by which to grant waivers to subdividers of land  
24 in certain counties near an international border, as provided by  
25 Section 232.0235, Local Government Code, as added by this Act.

26 SECTION 5. This Act takes effect September 1, 2005.