

## **BILL ANALYSIS**

Senate Research Center

H.B. 2275  
By: Raymond et al. (Zaffirini)  
International Relations & Trade  
5/1/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Since 1989, the legislature has enacted several forms of legislation regulating colonias in border and economically distressed counties. Originally, uniform laws were enacted for both border counties and economically distressed counties. However, in 1995, the 74th Legislature, Regular Session, enacted provisions applicable only to border counties that tightened restrictions on existing colonias and prohibited the sale of any residential lot without adequate water and sewer facilities.

In addition, various funding programs were created to address inadequate water and wastewater facilities, drainage, and housing to bring existing colonias into compliance with model rules and current platting laws. Counties that seek funding assistance under these programs are required to adopt and enforce the colonia regulations, specifically, the model rules. Due to differences in legislation of colonias in border and economically distressed counties, border counties are held to a higher level of compliance when competing for the same funding dollars. A task force is needed to examine and rectify those differences and work toward solutions.

H.B. 2275 creates a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that the legislature finds that the current law regarding the regulation of subdivisions in the unincorporated areas of counties contains numerous conflicts and is unnecessarily complex, particularly regarding the regulation of development in counties near the international border and in economically distressed counties, and that uniform subdivision standards in those counties serve an important purpose in promoting a high standard of living for the citizens of Texas.

SECTION 2. (a) Provides that the Task Force on Uniform County Subdivision Regulation (task force) is composed of 15 members appointed as follows:

- (1) six members who are county officials or employees responsible for regulating subdivisions under Subchapter B (Subdivision Platting Requirements in County Near International Border), Chapter 232 (County Regulation of Subdivisions), Local Government Code, appointed by the executive administrator of the Texas Water Development Board from each of the following counties: El Paso; Webb; Starr; Hidalgo; Cameron; and Nueces;
- (2) three members who are county officials or employees responsible for regulating subdivisions under Subchapter C (Subdivision Platting Requirements in Certain Economically Distressed Counties), Chapter 232, Local Government Code, appointed by the executive administrator of the Texas Water Development Board;

- (3) three members appointed by the governor to represent private interests in land development;
- (4) one member of the Texas Water Development Board appointed by the governor or a person designated by that member;
- (5) one member who has legal expertise in subdivision regulation appointed by the attorney general to represent the interests of the state; and
- (6) one member who has legal expertise in matters affecting land development appointed by the secretary of state to represent the interests of the state.

(b) Requires the members of the task force appointed under Subsection (a) of this section to elect a presiding officer, a secretary, and any other officers the board considers necessary.

(c) Requires appointments to the task force to be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees.

(d) Provides that a member of the task force who is a state or county employee is not entitled to additional compensation for serving on the task force, but is entitled to reimbursement for the member's actual and necessary expenses in attending meetings of the task force and performing other official duties authorized by the presiding officer if the reimbursement is otherwise available to the member as a state or county employee.

(e) Requires the secretary of state to provide administrative support to the task force, including necessary staff and meeting facilities.

(f) Authorizes the task force, through the secretary of state, to accept gifts and grants from individuals, private or public organizations, or federal or local funds to support the task force.

(g) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the task force.

SECTION 3. Requires the task force to research and identify the conflicts and deficiencies in current law regarding the regulation of the development of subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties, and develop recommendations and draft a proposal for legislation to create uniform standards for the regulation of the development of subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.

SECTION 4. Requires the task force, not later than December 1, 2010, to submit its findings, recommendations, and proposal for legislation to the standing committees of the senate and house of representatives having primary jurisdiction over border regions or county affairs.

SECTION 5. Provides that the task force is abolished and this Act expires on September 2, 2011.

SECTION 6. Effective date: upon passage or September 1, 2009.