

BILL ANALYSIS

C.S.H.B. 2275
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Border & Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.H.B. 2275 creates a temporary Task Force on Uniform County Subdivision Regulation intended to stop the proliferation of colonias in border and economically distressed counties by developers.

RULEMAKING AUTHORITY

It is the committee's opinion that this substitute does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2275 provides legislative findings relating to uniform subdivision standards in unincorporated areas of counties near the international border and in economically distressed counties. The bill creates the Task Force on Uniform County Subdivision Regulation composed of 15 members appointed as follows: six members who are county officials or employees responsible for regulating subdivision platting requirements in a county near the international border, appointed by the executive administrator of the Texas Water Development Board (TWDB), including one member each from El Paso County, Webb County, Starr County, Hidalgo County, Cameron County, and Nueces County; three members who are county officials or employees responsible for regulating subdivision platting requirements in certain economically distressed counties, appointed by the executive administrator of TWDB; three members appointed by the governor to represent private interests in land development; one member of TWDB appointed by the governor, or a person designated by that member; one member who has legal expertise in subdivision regulation appointed by the attorney general to represent the interests of Texas; and one member who has legal expertise in matters affecting land development appointed by the secretary of state to represent the interests of Texas.

C.S.H.B. 2275 requires members of the task force to elect a presiding officer, a secretary, and any other officers TWDB considers necessary. The bill requires appointments to the task force to be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees. The bill does not entitle a member of the task force who is a state or county employee to additional compensation for serving on the task force, but does entitle such a member to reimbursement for the member's actual and necessary expenses in attending meetings and performing other official duties authorized by the presiding officer if reimbursement is otherwise available to the member as a state or county employee. The bill requires the secretary of state to provide administrative support to the task force, including necessary staff and meeting facilities. The bill authorizes the task force to accept, through the secretary of state, gifts and grants from individuals, private or public organizations, or federal or local funds to support the task force. The bill makes existing provisions relating to state agency advisory committees inapplicable to the task force.

C.S.H.B. 2275 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 to develop recommendations and draft a proposal for legislation to create uniform standards for the regulation of the development of these areas. The bill requires the task force to submit its findings, recommendations, and proposal to the standing committees of the senate and house of representatives having primary jurisdiction over border regions or county affairs not later than December 1, 2010.

C.S.H.B. 2275 establishes that the task force is abolished and provisions of the bill expire on September 2, 2011.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2275 differs from the original by adding language allowing the six members of the taskforce appointed from the listed counties to be county employees or county officials, rather than only county officials as in the original. The substitute differs from the original by specifying the counties from which certain members of the task force are appointed by the executive administrator of the Texas Water Development Board. The substitute differs from the original by specifying that the task force member who is a member of the Texas Water Development Board, appointed by the governor, may designate another person to serve on the task force in that member's place.