

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2275  
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International Relations & Trade  
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Committee Report (Substituted)

### **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.

C.S.H.B. 2275 amends current law relating to the creation of 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 near the international boarder and in economically distressed counties should be reviewed to ensure that statutory provisions are consistent and clearly achieve the goals of promoting uniform subdivision standards in those counties and enhancing the quality of living for the residents of those subdivisions.

SECTION 2. (a) Provides that the Task Force on Uniform County Subdivision Regulation (task force) is composed of 23 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 (TWDB) from each of the following counties: El Paso; Webb; Starr; Hidalgo; Cameron; and Nueces;
- (2) six members who are members of organizations that represent the interests of colonia residents, appointed by the executive director of the Texas Department of Housing and Community Affairs;
- (3) 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 TWDB;

(4) one member who is a representative of TWDB and is appointed by the executive administrator of TWDB;

(5) one member who has legal expertise in subdivision regulation appointed by the attorney general to represent the interests of the state;

(6) one member who has expertise in matters affecting colonias appointed by the secretary of state to represent the interests of the state;

(7) three members who are appointed by the president of the Texas Association of Builders to represent the interests of builders and land developers;

(8) one member who is a representative of the Texas Conference of Urban Counties appointed by the executive director of that organization; and

(9) one member who is a representative of the County Judges and Commissioners Association of Texas appointed by the president of that association.

(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 attorney general to provide administrative support to the task force, including necessary staff and meeting facilities.

(f) Authorizes the task force, through the attorney general, 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.