

BILL ANALYSIS

H.B. 3096
By: Kolkhorst
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a commissioners court may deny a cancellation of a subdivision located outside a municipality and the extraterritorial jurisdiction of a municipality if the commissioners court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development. Texas case law has long recognized the commissioners court's general control over county roads. Accordingly, when an application for cancellation seeks cancellation of a dedicated roadway in a subdivision, it follows that a commissioners court should have discretion to deny the roadway if it prevents interconnection of infrastructure to pending or existing development.

H.B. 3096 seeks to address this issue by clarifying that a commissioners court, on relevant finding, is authorized to deny an application to cancel all or a part of a subdivision regardless of the date of the creation of the subdivision.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 3096 amends the Local Government Code, in a provision authorizing the commissioners court of a county to deny a cancellation of a subdivision located outside a municipality and the extraterritorial jurisdiction of a municipality on determination by the commissioners court that the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development, to provide that such denial is authorized to be made without regard to the date land is subdivided or a plat is filed for a subdivision. The bill clarifies the meaning of development by reference to provisions of law relating to the cancellation of certain subdivisions if land remains undeveloped.

H.B. 3096 makes its provisions applicable to an application for cancellation of all or part of a subdivision filed on or after the bill's effective date or before the bill's effective date if the approval of the application filed before such date is not final.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.