

By: Lucio

S.B. No. 1462

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of subdivision platting requirements in certain counties near the international border of this state.

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

SECTION 1. The purpose of this Act is to allow the state and certain counties to be affected parties in claims against unscrupulous developers who violate subdivision platting requirements under Subchapter B, Chapter 232, Local Government Code, since the state and counties may reasonably be expected to mitigate or ameliorate the conditions created by those developers.

SECTION 2. Section 232.037, Local Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The attorney general, or the district attorney, criminal district attorney, county attorney with felony responsibilities, or county attorney of the county may take any action necessary in a court of competent jurisdiction on behalf of the state, an affected county subject to this subchapter, or affected ~~[on behalf of]~~ residents to:

(1) enjoin the violation or threatened violation of the model rules adopted under Section 16.343, Water Code;

(2) enjoin the violation or threatened violation of a requirement of this subchapter or a rule adopted by the commissioners court under this subchapter;

1 (3) recover civil or criminal penalties, attorney's
2 fees, litigation costs, and investigation costs; ~~and~~

3 (4) require platting or replatting under Section
4 232.040;

5 (5) recover funds paid to the subdivider or an agent of
6 the subdivider, with interest;

7 (6) freeze the assets of the subdivider or an agent of
8 the subdivider; and

9 (7) void or rescind contracts.

10 (e) If the state or a county is a party to the claim, funds
11 recovered under Subsection (a)(5) must be divided between the
12 affected residents and the governmental entity or entities, with 50
13 percent of the recovery to be paid to the affected residents and the
14 other 50 percent to be paid to the governmental entity or entities.
15 Multiple governmental entities that are party to the claim must
16 divide money received under this subsection equally among the
17 entities.

18 SECTION 3. This Act takes effect September 1, 2011.