

1-1 By: Lucio S.B. No. 1462
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Committee on International Relations and
1-4 Trade; April 5, 2011, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; April 5, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the enforcement of subdivision platting requirements in
1-9 certain counties near the international border of this state.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The purpose of this Act is to allow the state and
1-12 certain counties to be affected parties in claims against
1-13 unscrupulous developers who violate subdivision platting
1-14 requirements under Subchapter B, Chapter 232, Local Government
1-15 Code, since the state and counties may reasonably be expected to
1-16 mitigate or ameliorate the conditions created by those developers.

1-17 SECTION 2. Section 232.037, Local Government Code, is
1-18 amended by amending Subsection (a) and adding Subsection (e) to
1-19 read as follows:

1-20 (a) The attorney general, or the district attorney,
1-21 criminal district attorney, county attorney with felony
1-22 responsibilities, or county attorney of the county may take any
1-23 action necessary in a court of competent jurisdiction on behalf of
1-24 the state, an affected county subject to this subchapter, or
1-25 affected ~~[on behalf of]~~ residents to:

1-26 (1) enjoin the violation or threatened violation of
1-27 the model rules adopted under Section 16.343, Water Code;

1-28 (2) enjoin the violation or threatened violation of a
1-29 requirement of this subchapter or a rule adopted by the
1-30 commissioners court under this subchapter;

1-31 (3) recover civil or criminal penalties, attorney's
1-32 fees, litigation costs, and investigation costs; ~~[and]~~

1-33 (4) require platting or replatting under Section
1-34 232.040;

1-35 (5) recover funds paid to the subdivider or an agent of
1-36 the subdivider, with interest;

1-37 (6) freeze the assets of the subdivider or an agent of
1-38 the subdivider; and

1-39 (7) void or rescind contracts.

1-40 (e) If the state or a county is a party to the claim, funds
1-41 recovered under Subsection (a)(5) must be divided between the
1-42 affected residents and the governmental entity or entities, with 50
1-43 percent of the recovery to be paid to the affected residents and the
1-44 other 50 percent to be paid to the governmental entity or entities.
1-45 Multiple governmental entities that are party to the claim must
1-46 divide money received under this subsection equally among the
1-47 entities.

1-48 SECTION 3. This Act takes effect September 1, 2011.

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