

By: Zaffirini
(Raymond)

S.B. No. 1816

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal land development regulation.

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

SECTION 1. Section 405.021, Government Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) A system described by Subsection (g):

(1) must include a method for a municipality or county, on a form prescribed by the secretary of state, to nominate an area for identification as a colonia; and

(2) may provide for the review of a nominated area by the Texas Water Development Board, the office of the attorney general, or any other appropriate state agency as determined by the secretary of state.

SECTION 2. Subsections (a) and (d), Section 232.022, Local Government Code, are amended to read as follows:

(a) This subchapter applies only to:

(1) a county any part of which is located within 50 miles of an international border; ~~or~~

(2) a county:

(A) any part of which is located within 100 miles of an international border;

(B) that contains the majority of the area of a municipality with a population of more than 250,000; and

(C) to which Subdivision (1) does not apply; or

1 (3) a county in which the commissioners court by
2 order:

3 (A) has adopted the model rules adopted under
4 Section 16.343, Water Code; and

5 (B) elects to operate under this subchapter.

6 (d) This subchapter does not apply if all [~~each~~] of the lots
7 of the subdivision are more than [~~is~~] 10 [~~or more~~] acres.

8 SECTION 3. Section 232.023, Local Government Code, is
9 amended by amending Subsection (a) and adding Subsection (a-1) to
10 read as follows:

11 (a) A subdivider of land must have a plat of the subdivision
12 prepared if at least one of the lots of the subdivision is five
13 acres or less. A commissioners court by order may require a
14 subdivider of land to prepare a plat if none of the lots is five
15 acres or less but at least one of the lots of a subdivision is more
16 than five acres but not more than 10 acres.

17 (a-1) A subdivision of a tract under this section
18 [~~subsection~~] includes a subdivision of real property by any method
19 of conveyance, including a contract for deed, oral contract,
20 contract of sale, or other type of executory contract, regardless
21 of whether the subdivision is made by using a metes and bounds
22 description.

23 SECTION 4. Section 232.072, Local Government Code, is
24 amended by amending Subsection (a) and adding Subsection (a-1) to
25 read as follows:

26 (a) The owner of a tract of land that divides the tract in
27 any manner that creates at least one lot [~~lots~~] of five acres or

1 less intended for residential purposes must have a plat of the
2 subdivision prepared. A commissioners court by order may require
3 each subdivider of land to prepare a plat if none of the lots is five
4 acres or less but at least one of the lots of the subdivision is more
5 than five acres but not more than 10 acres.

6 (a-1) A subdivision of a tract under this section includes a
7 subdivision of real property by any method of conveyance, including
8 a contract for deed, oral contract, contract of sale, or other type
9 of executory contract, regardless of whether the subdivision is
10 made by using a metes and bounds description.

11 SECTION 5. Subchapter Z, Chapter 233, Local Government
12 Code, is amended by adding Section 233.902 to read as follows:

13 Sec. 233.902. CONNECTION OF UTILITIES: RESIDENTIAL
14 STRUCTURE. A utility may not serve or connect any residential
15 structure with permanent water, sewer, electricity, gas, or other
16 utility service unless the utility receives a certificate issued by
17 the commissioners court certifying that the residential structure
18 complies with all county regulations applicable to the structure.

19 SECTION 6. Section 16.343, Water Code, is amended by adding
20 Subsection (f) and amending Subsection (g) to read as follows:

21 (f) To augment regulatory compliance by political
22 subdivisions, the model rules may impose requirements for platting,
23 replatting, or any other method authorized by law. Notwithstanding
24 any other law to the contrary, a political subdivision that has
25 adopted the model rules under this section may impose the platting
26 requirements of Chapter 212 or 232, Local Government Code, as
27 applicable to a division of real property that is required to be

1 platted or replatted by the provisions of the model rules.

2 (g) Before an application for funds under Section 15.407 or
3 Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be
4 considered by the board, if the applicant is located:

5 (1) in a municipality, the municipality must adopt and
6 enforce the model rules in accordance with this section;

7 (2) in the extraterritorial jurisdiction of a
8 municipality, the applicant must demonstrate that the model rules
9 have been adopted and are enforced in the extraterritorial
10 jurisdiction by the municipality or the county; or

11 (3) outside the extraterritorial jurisdiction of a
12 municipality, the county must adopt and enforce the model rules in
13 accordance with this section [~~a political subdivision must adopt~~
14 ~~the model rules pursuant to this section. If the applicant is a~~
15 ~~district, nonprofit water supply corporation, or colonia, the~~
16 ~~applicant must be located in a city or county that has adopted such~~
17 ~~rules. Applicants for funds under Section 15.407 or Subchapter P,~~
18 ~~Chapter 15, or Subchapter K, Chapter 17, may not receive funds under~~
19 ~~those provisions unless the applicable political subdivision~~
20 ~~adopts and enforces the model rules].~~

21 SECTION 7. The changes in law made by this Act to Chapter
22 232, Local Government Code, apply only to a subdivision plat
23 application submitted for approval on or after the effective date
24 of this Act. A subdivision plat application submitted for approval
25 before the effective date of this Act is governed by the law in
26 effect when the application was submitted, and the former law is
27 continued in effect for that purpose.

1 SECTION 8. This Act takes effect September 1, 2011.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 1816 (engrossed version) as follows:

(1) Strike SECTION 5 of the bill, adding Section 233.902, Local Government Code, and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 6 of the bill, strike added Section 16.343(f), Water Code (page 3, line 21, through page 4, line 1) and substitute the following:

(f) To augment regulatory compliance by political subdivisions, the model rules may impose requirements for platting, replatting, or any other method authorized by law. Notwithstanding any other law to the contrary and except as may be required by an agreement developed under Chapter 242, Local Government Code, a municipality that has adopted the model rules under this section may impose the platting requirements of Chapter 212, Local Government Code, and a county that has adopted the model rules under this section may impose the applicable platting requirements of Chapter 232, Local Government Code, to a division of real property that is required to be platted or replatted by the provisions of the model rules.

Kleinschmidt