

1-1 By: Zaffirini S.B. No. 1816
1-2 (In the Senate - Filed March 11, 2011; March 24, 2011, read
1-3 first time and referred to Committee on International Relations and
1-4 Trade; April 26, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 April 26, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1816 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to county and municipal land development regulation.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 405.021, Government Code, is amended by
1-13 adding Subsection (g-1) to read as follows:

1-14 (g-1) A system described by Subsection (g):

1-15 (1) must include a method for a municipality or
1-16 county, on a form prescribed by the secretary of state, to nominate
1-17 an area for identification as a colonia; and

1-18 (2) may provide for the review of a nominated area by
1-19 the Texas Water Development Board, the office of the attorney
1-20 general, or any other appropriate state agency as determined by the
1-21 secretary of state.

1-22 SECTION 2. Subsections (a) and (d), Section 232.022, Local
1-23 Government Code, are amended to read as follows:

1-24 (a) This subchapter applies only to:

1-25 (1) a county any part of which is located within 50
1-26 miles of an international border; ~~or~~

1-27 (2) a county:

1-28 (A) any part of which is located within 100 miles
1-29 of an international border;

1-30 (B) that contains the majority of the area of a
1-31 municipality with a population of more than 250,000; and

1-32 (C) to which Subdivision (1) does not apply; or

1-33 (3) a county in which the commissioners court by
1-34 order:

1-35 (A) has adopted the model rules adopted under
1-36 Section 16.343, Water Code; and

1-37 (B) elects to operate under this subchapter.

1-38 (d) This subchapter does not apply if all ~~each~~ of the lots
1-39 of the subdivision are more than [is] 10 [or more] acres.

1-40 SECTION 3. Section 232.023, Local Government Code, is
1-41 amended by amending Subsection (a) and adding Subsection (a-1) to
1-42 read as follows:

1-43 (a) A subdivider of land must have a plat of the subdivision
1-44 prepared if at least one of the lots of the subdivision is five
1-45 acres or less. A commissioners court by order may require a
1-46 subdivider of land to prepare a plat if none of the lots is five
1-47 acres or less but at least one of the lots of a subdivision is more
1-48 than five acres but not more than 10 acres.

1-49 (a-1) A subdivision of a tract under this section
1-50 [subsection] includes a subdivision of real property by any method
1-51 of conveyance, including a contract for deed, oral contract,
1-52 contract of sale, or other type of executory contract, regardless
1-53 of whether the subdivision is made by using a metes and bounds
1-54 description.

1-55 SECTION 4. Section 232.072, Local Government Code, is
1-56 amended by amending Subsection (a) and adding Subsection (a-1) to
1-57 read as follows:

1-58 (a) The owner of a tract of land that divides the tract in
1-59 any manner that creates at least one lot [lots] of five acres or
1-60 less intended for residential purposes must have a plat of the
1-61 subdivision prepared. A commissioners court by order may require
1-62 each subdivider of land to prepare a plat if none of the lots is five
1-63 acres or less but at least one of the lots of the subdivision is more

2-1 than five acres but not more than 10 acres.

2-2 (a-1) A subdivision of a tract under this section includes a
2-3 subdivision of real property by any method of conveyance, including
2-4 a contract for deed, oral contract, contract of sale, or other type
2-5 of executory contract, regardless of whether the subdivision is
2-6 made by using a metes and bounds description.

2-7 SECTION 5. Subchapter Z, Chapter 233, Local Government
2-8 Code, is amended by adding Section 233.902 to read as follows:

2-9 Sec. 233.902. CONNECTION OF UTILITIES: RESIDENTIAL
2-10 STRUCTURE. A utility may not serve or connect any residential
2-11 structure with permanent water, sewer, electricity, gas, or other
2-12 utility service unless the utility receives a certificate issued by
2-13 the commissioners court certifying that the residential structure
2-14 complies with all county regulations applicable to the structure.

2-15 SECTION 6. Section 16.343, Water Code, is amended by adding
2-16 Subsection (f) and amending Subsection (g) to read as follows:

2-17 (f) To augment regulatory compliance by political
2-18 subdivisions, the model rules may impose requirements for platting,
2-19 replatting, or any other method authorized by law. Notwithstanding
2-20 any other law to the contrary, a political subdivision that has
2-21 adopted the model rules under this section may impose the platting
2-22 requirements of Chapter 212 or 232, Local Government Code, as
2-23 applicable to a division of real property that is required to be
2-24 platted or replatted by the provisions of the model rules.

2-25 (g) Before an application for funds under Section 15.407 or
2-26 Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be
2-27 considered by the board, if the applicant is located:

2-28 (1) in a municipality, the municipality must adopt and
2-29 enforce the model rules in accordance with this section;

2-30 (2) in the extraterritorial jurisdiction of a
2-31 municipality, the applicant must demonstrate that the model rules
2-32 have been adopted and are enforced in the extraterritorial
2-33 jurisdiction by the municipality or the county; or

2-34 (3) outside the extraterritorial jurisdiction of a
2-35 municipality, the county must adopt and enforce the model rules in
2-36 accordance with this section [a political subdivision must adopt
2-37 the model rules pursuant to this section. If the applicant is a
2-38 district, nonprofit water supply corporation, or colonia, the
2-39 applicant must be located in a city or county that has adopted such
2-40 rules. Applicants for funds under Section 15.407 or Subchapter P,
2-41 Chapter 15, or Subchapter K, Chapter 17, may not receive funds under
2-42 those provisions unless the applicable political subdivision
2-43 adopts and enforces the model rules].

2-44 SECTION 7. The changes in law made by this Act to Chapter
2-45 232, Local Government Code, apply only to a subdivision plat
2-46 application submitted for approval on or after the effective date
2-47 of this Act. A subdivision plat application submitted for approval
2-48 before the effective date of this Act is governed by the law in
2-49 effect when the application was submitted, and the former law is
2-50 continued in effect for that purpose.

2-51 SECTION 8. This Act takes effect September 1, 2011.

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