

BILL ANALYSIS

Senate Research Center

S.B. 552
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Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires that notice of the date, time, and place that certain commissioners courts (those in counties near an international border) will consider an application to revise a subdivision plat be published three times in a newspaper of general circulation in a county. Furthermore, certain landowners are required to be provided notice of the meeting by certified or registered mail. According to some interested parties, in most instances, the cost of publication and mailing exceeds the plat process fee as set by order of the commissioners court and has become a financial burden in many rural counties. This bill addresses this issue by enabling affected counties to recoup the costs for these publication and notification requirements.

S.B. 552 seeks to address these issues by providing for certain alternative notice requirements and authorizing the commissioners court in certain counties to recoup the costs for an application under this section. The bill requires the amount of the charge to be based on the cost of processing the application, including publishing any required notices.

S.B. 552 amends current law relating to an application filed with a county commissioners court to revise a subdivision plat, and authorizes a fee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 232.009, Local Government Code, by amending Subsection (c) and adding Subsections (c-1) and (g), as follows:

(c) Requires the commissioners court, except as provided by Subsection (c-1), after the application to revise a subdivision plot is filed with the court, to publish a notice of the application in a newspaper of general circulation in the county.

(c-1) Provides that, if the commissioners court determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school or road, the notice requirements under Subsection (c) do not apply to the application and the commissioners court is required to provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the county in which the lots are located, and if the county maintains an Internet website, post notice of the application continuously on the website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

(g) Authorizes the commissioners court to impose a fee for filing an application under this section. Requires that the amount of the fee be based on the cost of processing the application, including publishing the notices required under Subsection (c) or (c-1).

SECTION 2. Amends Section 232.041, Local Government Code, by amending Subsection (b) and adding Subsections (b-1) and (e), as follows:

(b) Requires the commissioners court, except as provided by Subsection (b-1), after the application to revise a subdivision plot is filed with the court, to publish a notice of the application in a newspaper of general circulation in the county.

(b-1) Provides that, if the commissioners court determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under Subsection (b) do not apply to the application and the commissioners court is required to provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the county in which the lots are located, and if the county maintains an Internet website, post notice of the application continuously on the website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

(e) Authorizes the commissioners court to impose a fee for filing an application under this section. Requires that the amount of the fee be based on the cost of processing the application, including publishing the notices required under Subsection (b) or (b-1).

SECTION 3. Makes application of Sections 232.009 and 232.041, Local Government Code, as amended by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2013.