

BILL ANALYSIS

S.B. 552
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires that, in certain counties, notice of an application filed with the commissioners court for permission to revise a subdivision plat, including notice of the date, time, and place at which the commissioners court will meet to consider the application, be published in newspaper of general circulation in the county at least three times during a specified period before the meeting and, in some instances, requires that notice also be given to certain property owners by certified or registered mail. According to interested parties, the cost of publication and mailing in some cases exceeds the plat process fee as set by order of the commissioners court and poses a financial burden in many rural counties. S.B. 552 seeks to address these issues by providing for certain alternative notice requirements and authorizing the commissioners courts of certain counties to impose a fee in order to recover application processing costs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 552 amends the Local Government Code to establish provisions relating to an application filed with a county commissioners court for permission to revise a subdivision plat applicable to real property located outside municipalities and the extraterritorial jurisdiction of municipalities with a population of 1.5 million or more and to real property subject to platting requirements in a county any part of which is located within 50 miles of an international border or in a county, other than such a county, any part of which is located within 100 miles of an international border that contains within its boundaries the majority of the area of a municipality with a population of more than 250,000.

S.B. 552 exempts such an application from statutory requirements for publishing notice of the filing of an application in a newspaper of general circulation in the county if a commissioners court determines that the revision to the subdivision plat does not affect a public interest or public property of any type. The bill requires the commissioners court, in such case, 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, to 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.

S.B. 552 authorizes a commissioners court to impose a fee for filing an application to revise a subdivision plat and requires the amount of the fee to be based on the cost of processing the application, including publishing the required notices.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.