

1-1 By: Zaffirini S.B. No. 1599
 1-2 (In the Senate - Filed March 8, 2013; March 19, 2013, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 15, 2013, reported favorably by the following
 1-5 vote: Yeas 3, Nays 0; April 15, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hinojosa	X			
1-8 Nichols	X			
1-9 Garcia	X			
1-10 Paxton			X	
1-11 Taylor			X	

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to county and municipal land development regulation.
 1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-17 SECTION 1. Section 405.021, Government Code, is amended by
 1-18 adding Subsection (g-1) to read as follows:
 1-19 (g-1) A system described by Subsection (g):
 1-20 (1) must include a method for a municipality or
 1-21 county, on a form prescribed by the secretary of state, to nominate
 1-22 an area for identification as a colonia; and
 1-23 (2) may provide for the review of a nominated area by
 1-24 the Texas Water Development Board, the office of the attorney
 1-25 general, or any other appropriate state agency as determined by the
 1-26 secretary of state.
 1-27 SECTION 2. Subsections (a) and (d), Section 232.022, Local
 1-28 Government Code, are amended to read as follows:
 1-29 (a) This subchapter applies only to:
 1-30 (1) a county any part of which is located within 50
 1-31 miles of an international border; ~~or~~
 1-32 (2) a county:
 1-33 (A) any part of which is located within 100 miles
 1-34 of an international border;
 1-35 (B) that contains the majority of the area of a
 1-36 municipality with a population of more than 250,000; and
 1-37 (C) to which Subdivision (1) does not apply; or
 1-38 (3) a county in which the commissioners court by
 1-39 order:
 1-40 (A) has adopted the model rules adopted under
 1-41 Section 16.343, Water Code; and
 1-42 (B) elects to operate under this subchapter.
 1-43 (d) This subchapter does not apply if all ~~each~~ of the lots
 1-44 of the subdivision are more than ~~is~~ 10 ~~or more~~ acres.
 1-45 SECTION 3. Section 232.023, Local Government Code, is
 1-46 amended by amending Subsection (a) and adding Subsection (a-1) to
 1-47 read as follows:
 1-48 (a) A subdivider of land must have a plat of the subdivision
 1-49 prepared if at least one of the lots of the subdivision is five
 1-50 acres or less. A commissioners court by order may require a
 1-51 subdivider of land to prepare a plat if none of the lots is five
 1-52 acres or less but at least one of the lots of a subdivision is more
 1-53 than five acres but not more than 10 acres.
 1-54 (a-1) A subdivision of a tract under this section
 1-55 [subsection] includes a subdivision of real property by any method
 1-56 of conveyance, including a contract for deed, oral contract,
 1-57 contract of sale, or other type of executory contract, regardless
 1-58 of whether the subdivision is made by using a metes and bounds
 1-59 description.
 1-60 SECTION 4. Section 232.072, Local Government Code, is
 1-61 amended by amending Subsection (a) and adding Subsection (a-1) to

2-1 read as follows:

2-2 (a) The owner of a tract of land that divides the tract in
2-3 any manner that creates at least one lot [lots] of five acres or
2-4 less intended for residential purposes must have a plat of the
2-5 subdivision prepared. A commissioners court by order may require
2-6 each subdivider of land to prepare a plat if none of the lots is five
2-7 acres or less but at least one of the lots of the subdivision is more
2-8 than five acres but not more than 10 acres.

2-9 (a-1) A subdivision of a tract under this section includes a
2-10 subdivision of real property by any method of conveyance, including
2-11 a contract for deed, oral contract, contract of sale, or other type
2-12 of executory contract, regardless of whether the subdivision is
2-13 made by using a metes and bounds description.

2-14 SECTION 5. Subchapter Z, Chapter 233, Local Government
2-15 Code, is amended by adding Section 233.902 to read as follows:

2-16 Sec. 233.902. CONNECTION OF UTILITIES: RESIDENTIAL
2-17 STRUCTURE. A utility may not serve or connect any residential
2-18 structure with permanent water, sewer, electricity, gas, or other
2-19 utility service unless the utility receives a certificate issued by
2-20 the commissioners court certifying that the residential structure
2-21 complies with all county regulations applicable to the structure.

2-22 SECTION 6. Section 16.343, Water Code, is amended by adding
2-23 Subsection (f) and amending Subsection (g) to read as follows:

2-24 (f) To augment regulatory compliance by political
2-25 subdivisions, the model rules may impose requirements for platting,
2-26 replatting, or any other method authorized by law. Notwithstanding
2-27 any other law to the contrary, a political subdivision that has
2-28 adopted the model rules under this section may impose the platting
2-29 requirements of Chapter 212 or 232, Local Government Code, as
2-30 applicable, to a division of real property that is required to be
2-31 platted or replatted by the provisions of the model rules.

2-32 (g) Before an application for funds under Section 15.407 or
2-33 Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be
2-34 considered by the board, if the applicant is located:

2-35 (1) in a municipality, the municipality must adopt and
2-36 enforce the model rules in accordance with this section;

2-37 (2) in the extraterritorial jurisdiction of a
2-38 municipality, the applicant must demonstrate that the model rules
2-39 have been adopted and are enforced in the extraterritorial
2-40 jurisdiction by the municipality or the county; or

2-41 (3) outside the extraterritorial jurisdiction of a
2-42 municipality, the county must adopt and enforce the model rules in
2-43 accordance with this section [a political subdivision must adopt
2-44 the model rules pursuant to this section. If the applicant is a
2-45 district, nonprofit water supply corporation, or colonia, the
2-46 applicant must be located in a city or county that has adopted such
2-47 rules. Applicants for funds under Section 15.407 or Subchapter P,
2-48 Chapter 15, or Subchapter K, Chapter 17, may not receive funds under
2-49 those provisions unless the applicable political subdivision
2-50 adopts and enforces the model rules].

2-51 SECTION 7. The changes in law made by this Act to Chapter
2-52 232, Local Government Code, apply only to a subdivision plat
2-53 application submitted for approval on or after the effective date
2-54 of this Act. A subdivision plat application submitted for approval
2-55 before the effective date of this Act is governed by the law in
2-56 effect when the application was submitted, and the former law is
2-57 continued in effect for that purpose.

2-58 SECTION 8. This Act takes effect September 1, 2013.

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