

BILL ANALYSIS

Senate Research Center

S.B. 1816
By: Zaffirini
International Relations & Trade
4/4/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, H.B. 2275 was enacted by the 81st Legislature to create the Colonia Task Force (task force); the task force included 23 members, some of whom are colonia stakeholders, who were charged to: develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed areas; review statutory provisions to determine whether they are consistent and clearly achieve the goals of promoting uniform subdivision standards in border counties; research and identify conflicts and deficiencies in current law; and develop recommendations and draft a proposal for legislation.

S.B. 1816 is the result of the recommendations from the task force that were developed after a year of meetings, negotiations, and a 23-member voting consensus. S.B. 1816 does not contain all the final recommendations of the task force, but those that the voting majority accepted on the final report.

As proposed, S.B. 1816 amends current law relating to county and municipal land development regulation.

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 405.021, Government Code, by adding Subsection (g-1), as follows:

(g-1) Provides that a system described by Subsection (g) (relating to a statewide system for identifying colonias):

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

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

SECTION 2. Amends Sections 232.022(a) and (d), Local Government Code, as follows:

(a) Provides that this subchapter applies only to:

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

(2) a county any part of which is located within 100 miles of an international border; that contains the majority of the area of a municipality with a population of more than 250,000; and to which Subdivision (1) does not apply; or

(3) a county in which the commissioners court by order has adopted the model rules adopted under Section 16.343 (Minimum State Standards and Model Political Subdivision Rules), Water Code, and elects to operate under this subchapter.

(d) Provides that this subchapter does not apply if all, rather than each, of the lots of the subdivision are more than 10 acres, rather than is 10 or more acres.

SECTION 3. Amends Section 232.023, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires a subdivider of land to have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less. Authorizes a commissioners court by order to require a subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) Creates this subsection from existing text. Provides that a subdivision of a tract under this section, rather than this subsection, includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION 4. Amends Section 232.028, Local Government Code, by adding Subsection (h), as follows:

(h) Authorizes a county to withhold a certificate under this section for a residential property to ensure compliance with any applicable county subdivision regulation under this chapter.

SECTION 5. Amends Section 232.072, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes a commissioners court by order to require each subdivider of land to prepare a plat if at least one of the lots of the subdivision is more than five acres but not more than 10 acres.

(a-1) Creates this subsection from existing text. Makes no further changes to this subsection.

SECTION 6. Amends Section 232.076, Local Government Code, by adding Subsection (g), as follows:

(g) Authorizes a county to withhold a certificate under this section for a residential property to ensure compliance with any applicable county subdivision regulation under this chapter.

SECTION 7. Amends Section 16.343, Water Code, by adding Subsection (f) and amending Subsection (g), as follows:

(f) Authorizes the model rules, to augment regulatory compliance by political subdivisions, to impose requirements for platting, replatting, or any other method authorized by law. Authorizes a political subdivision that has adopted the model rules under this section, notwithstanding any other law to the contrary, to impose the platting requirements of Chapter 212 (Municipal Regulation of Subdivisions and Property Development) or 232 (County Regulation of Subdivisions), Local Government Code, as applicable to a division of real property that is required to be platted or replatted by the provisions of the model rules.

(g) Provides that before an application for funds under Section 15.407 (Facility Engineering in Economically Distressed Areas) or Subchapter P (Colonia Self-Help Program), Chapter 15, or Subchapter K (Assistance to Economically Distressed Areas for Water Supply and Sewer Service Projects), Chapter 17, is authorized to be considered by TWDB, if the applicant is located:

(1) in a city, the city is required to adopt and enforce the model rules in accordance with this section;

(2) in the extraterritorial jurisdiction of a city, the applicant is required to demonstrate that the model rules have been adopted and are enforced in the extraterritorial jurisdiction by either the city or the county; or

(3) outside the extraterritorial jurisdiction of a city, the county is required to adopt and enforce the model rules in accordance with this section. Deletes existing text requiring a political subdivision, before an application for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, is authorized to be considered by the board, to adopt the model rules pursuant to this section. Deletes existing text requiring the applicant, if the applicant is a district, nonprofit water supply corporation, or colonia, to be located in a city or county that has adopted such rules. Prohibits applicants for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, from receiving funds under those provisions unless the applicable political subdivision adopts and enforces the model rules.

SECTION 8. Makes application of the changes in law made by this Act to Chapter 232, Local Government Code, prospective.

SECTION 9. Effective date: September 1, 2011.