

## **BILL ANALYSIS**

Senate Research Center

S.B. 1095  
By: Wentworth  
Intergovernmental Relations  
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As Filed

### **DIGEST**

Currently, Texas law requires land owners who divide land outside a municipality to prepare a plat and file it with the county. While the plat system has been used by county commissioners courts to assist in establishing the installation of new septic tanks and the proper addressing of rural residences for 911 emergency communication purposes, some concern exists that the authority of a county to regulate the platting of land for public use may be too extensive. This bill sets forth provisions that allow a county authority to regulate land outside of a municipality.

### **PURPOSE**

As proposed, S.B. 1095 sets forth provisions that allow a county authority to regulate land outside of a municipality.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 232.001(a), Local Government Code, to set forth purposes for which an owner may use divided tracts of land. Makes conforming changes.

SECTION 2. Amends Section 232.0015, Local Government Code, by adding Subsection (c), to prohibit a county from requiring a plat for a subdivision of land used for agricultural purposes if each subdivided piece of land will continue to be used for agricultural purposes.

SECTION 3. Amends Section 232.003, Local Government Code, as follows:

Sec. 232.003. SUBDIVISION REQUIREMENTS. Sets forth requirements a commissioners court may authorize by order, among which includes providing for drainage in the subdivision to meet certain conditions. Prohibits a utility from serving or connecting any subdivided land with electricity or gas utilities unless the utility receives a determination from the commissioners court that adequate water and sewer services are available for the subdivision. Requires the prohibition established by Subsection (b) to apply only to land that a utility first serves or connects with services on or after September 1, 1997.

SECTION 4. Amends Section 232.004, Local Government Code, to set forth requirements of a bond, which include the requirement that the bond be conditioned that the roads and streets and the drainage requirements for the subdivision will be constructed according to certain specifications.

SECTION 5. Amends Section 232.008, Local Government Code, by adding Subsection (h), to authorize the commissioners court to deny a cancellation under this section if the commissioners court determines the cancellation will prevent the interconnection of infrastructure to future or existing development.

SECTION 6. Amends Section 232.009, Local Government Code, by amending Subsection (c) and adding Subsection (f), to require the court to give certain notice, if all or part of the subdivided tract has been sold to nondeveloper owners, except as provided by Subsection (f). Provides that the

commissioners court is not required to give notice by mail under Subsection (c) if the plat revision only combines existing tracts.

SECTION 7. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 8. Emergency clause.