

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1410
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Border Affairs - Special
4/7/1999
Committee Report (Substituted)

DIGEST

In economically distressed areas, a significant number of lots were sold in existing colonias before HB 1001 became effective in September 1995. In order to bring water and wastewater to these lots, the colonias must be platted, which is nearly impossible with the level and kind of development existing. C.S.S.B. 1410 would authorize the commissioners courts in economically distressed counties to grant delays and variances from certain platting requirements.

PURPOSE

As proposed, C.S.S.B. 1410 authorizes the commissioners courts in economically distressed counties to grant delays and variances from certain platting requirements.

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 232.030(b), Local Government Code, to prohibit the commissioners court, except as provided by certain sections including Section 232.043, from granting a variance or adopting regulations that waive any requirements of this subchapter.

SECTION 2. Amends the heading to Section 232.042, Local Government Code, as follows:

Sec. 232.042. New heading: VARIANCES FROM REPLATTING REQUIREMENTS

SECTION 3. Amends Chapter 232B, Local Government Code, by adding Section 232.043, as follows:

Sec. 232.043. VARIANCES FROM PLATTING REQUIREMENTS. Authorizes the commissioners court of a county to grant certain conditions, on the request of a subdivider who created an unplatted subdivision or a resident purchaser of a lot in the subdivision, regarding delay or variance from compliance. Provides that if the commissioners court makes a written finding that the subdivider who created the unplatted subdivision no longer owns the property in the subdivision, the commissioners court may grant a delay or variance under this section only if certain conditions exist regarding the subdivision and its lots. Provides that if the commissioners court makes a written finding that the subdivider who created the unplatted subdivision owns property in the subdivision, the commissioners court may grant a provisional delay or variance only if the requirements of Subsection (b) are satisfied. Authorizes the commissioners court to issue a final grant of the delay or variance only if, before the 91st day after the date the commissioners court submits the record of its proceedings to the attorney general, the commissioners court fulfills certain conditions. Sets forth requirements for the commissioners court, if the commissioners court grants a delay or variance. Provides that the failure of the attorney general to comment or object to a delay or variance does not constitute a waiver of or consent to the validity of the delay or variance granted. Establishes that this section does not affect a civil suit filed against, a criminal prosecution of, or the validity of a penalty imposed on a subdivider for a violation of law, regardless of the date on which the violation occurred.

SECTION 4. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 232.030(b), Local Government Code, to prohibit the commissioners court, except as provided by certain sections including Section 232.043, from granting a variance or adopting regulations that waive any requirements of this subchapter.

SECTION 3.

Amends Chapter 232B, Local Government Code, to establish conditions regarding certain requests on delays or variances from platting requirements.

SECTION 4.

Effective date: upon passage, rather than September 1, 1999.