

## **BILL ANALYSIS**

Senate Research Center  
82R13025 NC-F

H.B. 3096  
By: Kolkhorst (Carona)  
Intergovernmental Relations  
5/17/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, if the owner of a tract of land located outside the limits of a municipality intends to divide the tract into a subdivision, lots, or portions dedicated to public use, the owner must file a plat, which must be then approved by the county commissioners court. Chapter 232 (County Regulation of Subdivisions), Local Government Code, stipulates that if the tract of land has been subdivided, the commissioners court may cancel all or part of the subdivision to re-establish the land as it had been prior to subdivision. Based on amendments to the statute by the 76th legislature, the commissioners court may also deny a cancellation if it is determined the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development. However, following these changes, there was some confusion over whether the commissioners court could deny a request for cancellation of a subdivision if it had been platted prior to 1999.

H.B. 3096 amends current law relating to the cancellation of a subdivision by a commissioners court.

### **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 232.008(h), Local Government Code, to authorize the commissioners court, regardless of the date land is subdivided or a plat is filed for a subdivision, to deny a cancellation under this section if the commissioners court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development as defined by Section 232.0085 (Cancellation of Certain Subdivisions if Land Remains Undeveloped).

SECTION 2. Provides that Section 232.008(h), Local Government Code, as amended by this Act, applies to an application for cancellation of all or part of a subdivision filed on or after the effective date of this Act or before the effective date of this Act if the approval of the application filed before the effective date of this Act is not final.

SECTION 3. Effective date: upon passage or September 1, 2011.