

AN ACT

relating to the approval of certain permit applications by local governments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 245.001, Local Government Code, is amended to read as follows:

(1) "Permit" means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought. .

SECTION 2. Section 245.002, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (e), (f), and (g) to read as follows:

(a) Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time:

(1) the original application for the permit is filed for review for any purpose, including review for administrative

1 completeness; or

2 (2) a plan for development of real property or plat
3 application is filed with a regulatory agency.

4 (a-1) Rights to which a permit applicant is entitled under
5 this chapter accrue on the filing of an original application or plan
6 for development or plat application that gives the regulatory
7 agency fair notice of the project and the nature of the permit
8 sought. An application or plan is considered filed on the date the
9 applicant delivers the application or plan to the regulatory agency
10 or deposits the application or plan with the United States Postal
11 Service by certified mail addressed to the regulatory agency. A
12 certified mail receipt obtained by the applicant at the time of
13 deposit is prima facie evidence of the date the application or plan
14 was deposited with the United States Postal Service.

15 (e) A regulatory agency may provide that a permit
16 application expires on or after the 45th day after the date the
17 application is filed if:

18 (1) the applicant fails to provide documents or other
19 information necessary to comply with the agency's technical
20 requirements relating to the form and content of the permit
21 application;

22 (2) the agency provides to the applicant not later
23 than the 10th business day after the date the application is filed
24 written notice of the failure that specifies the necessary
25 documents or other information and the date the application will
26 expire if the documents or other information is not provided; and

27 (3) the applicant fails to provide the specified

1 documents or other information within the time provided in the
2 notice.

3 (f) This chapter does not prohibit a regulatory agency from
4 requiring compliance with technical requirements relating to the
5 form and content of an application in effect at the time the
6 application was filed even though the application is filed after
7 the date an applicant accrues rights under Subsection (a-1).

8 (g) Notwithstanding Section 245.003, the change in law made
9 to Subsection (a) and the addition of Subsections (a-1), (e), and
10 (f) by S.B. No. 848, Acts of the 79th Legislature, Regular Session,
11 2005, apply only to a project commenced on or after the effective
12 date of that Act.

13 SECTION 3. The change in law made by this Act to Subdivision
14 (1), Section 245.001, Local Government Code, is subject to the
15 applicability provision of Section 245.003, Local Government Code.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2005.

David Newkumst
President of the Senate

Tom Caddell
Speaker of the House

I hereby certify that S.B. No. 848 passed the Senate on April 13, 2005, by the following vote: Yeas 27, Nays 3; and that the Senate concurred in House amendments on April 25, 2005, by the following vote: Yeas 29, Nays 1.

Patsy Saw
Secretary of the Senate

I hereby certify that S.B. No. 848 passed the House, with amendments, on April 21, 2005, by the following vote: Yeas 118, Nays 20, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

27 APR. '05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:55 P.M. O'CLOCK

Roger Williams
Secretary of State