

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

05/28/2005

Date

Honorable David Dewhurst
President of the Senate


Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 265 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Sen. Eltife, Chair



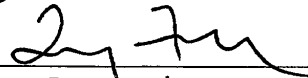
Rep. Smith of Harris, Chair



Sen. Brimer



Rep. Howard



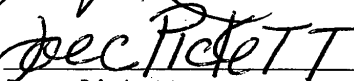
Sen. Fraser



Rep. McReynolds

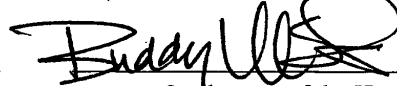


Sen. Gallegos



Rep. Pickett

On the part of the Senate
Sen. Madla



On the part of the House
Rep. West

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 265

A BILL TO BE ENTITLED

AN ACT

relating to the time for processing a municipal building permit.

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

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.904 to read as follows:

Sec. 214.904. TIME FOR ISSUANCE OF MUNICIPAL BUILDING PERMIT. (a) This section applies only to a permit required by a municipality to erect or improve a building or other structure in the municipality or its extraterritorial jurisdiction.

(b) Not later than the 45th day after the date an application for a permit is submitted, the municipality must:

(1) grant or deny the permit;

(2) provide written notice to the applicant stating the reasons why the municipality has been unable to grant or deny the permit application; or

(3) reach a written agreement with the applicant providing for a deadline for granting or denying the permit.

(c) For a permit application for which notice is provided under Subsection (b)(2), the municipality must grant or deny the permit not later than the 30th day after the date the notice is received.

(d) If a municipality fails to grant or deny a permit application in the time required by Subsection (c) or by an agreement under Subsection (b)(3), the municipality:

1 (1) may not collect any permit fees associated with
2 the application; and

3 (2) shall refund to the applicant any permit fees
4 associated with the application that have been collected.

5 SECTION 2. The subchapter heading to Subchapter Z, Chapter
6 214, Local Government Code, is amended to read as follows:

7 SUBCHAPTER Z. MISCELLANEOUS POWERS AND DUTIES

8 SECTION 3. Section 214.904, Local Government Code, as added
9 by this Act, applies only to an application for a permit submitted
10 on or after September 1, 2005. An application for a permit
11 submitted before that date is governed by the law in effect when the
12 application was submitted, and the former law is continued in
13 effect for that purpose.

14 SECTION 4. This Act takes effect September 1, 2005.

House Bill 265
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Adds Section 214.904, Local Government Code, as follows:

Sec. 214.904. Time for Issuance of Municipal Building Permit. (a) Limits application of the section to certain permits.

(b) Provides the timeline within which a municipality is required to perform certain actions on a permit application.

(c) Requires the municipality, for a permit application for which notice is provided under Subsection (b)(2), to grant or deny the permit not later than the 30th day after the date the notice is received.

(d) Provides for the required actions by the municipality should the municipality fail to grant or deny a permit application within a certain timeframe.

SECTION 2. Amends the heading to Subchapter Z, Chapter 214, Local Government Code.

SECTION 3. Saving provision.

SECTION 4. Effective date.

SENATE VERSION

SECTION 1. Same as House version.

Sec. 214.904. (a) Same as House version.

(b) Same as House version.

(c) Requires the applicant, for a permit application for which notice is provided under Subsection (b)(2), to provide the missing information or correct the permit application as stated in the notice within 30 days. Requires a municipality to then grant or deny the permit not later than the 30th day after the date all the missing or corrected information is received. (CA1)

(d) Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

Sec. 214.904. (a) Same as House version.

(b) Same as House version.

(c) Same as House version.

(d) Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.