

BILL ANALYSIS

Senate Research Center
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S.B. 1172
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Intergovernmental Relations
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DIGEST AND PURPOSE

Under current law, cities and counties are able to exercise certain authority over residential developments. Within the corporate limits of a municipality, a city is authorized to enforce certain development ordinances, while in the unincorporated area of a county, counties are authorized to enforce certain development ordinances. Potential problems for builders arise for development projects in a city's extraterritorial jurisdiction (ETJ). In the ETJ, both the city and the county are authorized to enforce certain development rules. This can lead to the city and the county each adopting different rules for developments in the ETJ, thus causing confusion and delays. As proposed, S.B. 1172 prohibits counties from adopting ordinances in a city's ETJ in order to avoid problems with overlapping authority.

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 Chapter 242, Local Government Code, by amending Section 242.001 and adding Section 242.0015, as follows:

Sec. 242.001. (a) Provides that this section applies only to a county operating under Sections 232.001-232.005, or Subchapter B or C, Chapter 232.

(b) Prohibits, for an area in a municipality's extraterritorial jurisdiction, as defined by Section 212.001, a plat from being filed with the county clerk without the approval of the governmental entity authorized under this section to regulate subdivisions in the area. Deletes text regarding the municipality and the county authorized to regulate subdivisions. Deletes text regarding filing a plat for a subdivision of a tract of land in the extraterritorial jurisdiction of the municipality.

(c) Prohibits a municipality and a county, except as provided by Section 242.0015, from both regulating subdivisions in the extraterritorial jurisdiction of a municipality. Requires the municipality and the county to enter into a written agreement that identifies the governmental entity authorized to regulate subdivisions in the extraterritorial jurisdiction. Requires the municipality and the county to adopt the agreement by order, ordinance, or resolution. Requires the agreement to be amended by the municipality and the county if necessary to take into account an expansion or reduction in the extraterritorial jurisdiction of the municipality. Requires the municipality to notify the county of any expansion or reduction in the municipality's extraterritorial jurisdiction.

(d) Authorizes an agreement under Subsection (c) to grant the authority to regulate subdivisions in the extraterritorial jurisdiction of a municipality according to certain presets. Deletes text regarding conflicts between municipal and county regulations.

(e) Requires that, if a municipality and a county do not enter into an agreement as required by Subsection (c), subdivisions in the extraterritorial jurisdiction of a municipality be regulated in a certain manner until an agreement is executed.

(f) Prohibits a municipality, in an unincorporated area outside the extraterritorial jurisdiction of a municipality, from regulating subdivisions or approving the filing of plats, except as provided by The Interlocal Cooperation Act, Chapter 791, Government Code. Deletes reference to Article 4413(32c), V.T.C.S.

Sec. 242.0015. REGULATION OF SUBDIVISIONS BY INTERLOCAL DEVELOPMENT BOARD. (a) Authorizes the agreement adopted under Section 242.001(c) to establish or abolish an interlocal development board.

(b) Provides that an interlocal development board established under this section has the exclusive authority to regulate subdivisions in the extraterritorial jurisdiction of the municipality under Subchapter A, Chapter 212, Sections 232.001-232005, Subchapter B or C, Chapter 232, and other statutes applicable to the regulation of subdivisions by municipalities or counties.

(c) Authorizes the interlocal development board, except as provided by this subsection, if a municipal regulation conflicts with a county regulation, to determine which regulation applies. Provides that Section 232.0025 relating to the timely approval of plats controls to the extent of any conflict with another provision of law.

(d) Sets forth guidelines concerning the composition of the interlocal development board, including terms and eligibility.

(e) Requires an agreement establishing an interlocal development board under this section to meet certain stated requirements.

SECTION 2. Effective date: January 1, 2002.