

BILL ANALYSIS

Senate Research Center
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S.B. 1762
By: Wentworth
Intergovernmental Relations
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DIGEST AND PURPOSE

Currently, counties do not have the authority to address and correct the problems of sub-standard developments in the unincorporated areas of counties. As proposed, S.B. 1762 authorizes a county, after approval by local voters, to regulate, by order, land development in the unincorporated area of the county by performing certain functions.

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 Title 7B, Local Government Code, by adding Chapter 236, as follows:

CHAPTER 236. COUNTY REGULATION OF LAND DEVELOPMENT

Sec. 236.001. **SCOPE OF REGULATORY AUTHORITY.** Authorizes the commissioners court of a county that is granted authority in accordance with this chapter to regulate, by order, land development in the unincorporated area of the county by performing certain functions.

Sec. 236.002. **ELECTION TO GRANT REGULATORY AUTHORITY.** Authorizes the commissioners court of a county to order and hold an election in the county on the question of granting the commissioners court the authority to regulate land development in the unincorporated area of the county.

Sec. 236.003. **BALLOT PROPOSITION.** Requires the ballot, for an election under this chapter, to be prepared to permit voting for or against the proposition: "Granting (name of county) the authority to regulate land development in the unincorporated area of the county."

Sec. 236.004. **EFFECT OF ELECTION.** Authorizes the commissioners court of a county, if a majority of the votes received on the question at the election approve the grant of authority, to adopt a regulation under this chapter.

SECTION 2. Amends Section 395.001(7), Local Government Code, to redefine "political subdivision."

SECTION 3. Amends Section 395.011(b), Local Government Code, to delete "corporate."

SECTION 4. Amends Sections 395.016(c) and (d), Local Government Code, as follows:

(c) Prohibits an impact fee from being collected, for new development which is platted in accordance with Chapter 212A, or Chapter 232A or B, or the subdivision or platting procedures of any other political subdivision before the adoption of an impact fee, on any

service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee.

(d) Makes conforming changes.

SECTION 5. Effective date: upon passage or September 1, 2001.