

BILL ANALYSIS

Senate Research Center
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S.B. 142
By: Wentworth
Intergovernmental Relations
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Texas counties are given little authority over development in their unincorporated areas. For example, counties do not have the authority to require central water/wastewater systems, minimum fire suppression systems, improvements to roadways, minimum amounts of public space, and impact fees.

As proposed, S.B. 142 authorizes a county commissioners court, after approval by the voters in the county, to adopt court orders to regulate development in unincorporated areas of the county and impose impact fees.

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 232, Local Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

Sec. 232.151. **SCOPE OF REGULATORY AUTHORITY.** Authorizes the commissioners court of a county that is granted authority in accordance with this subchapter to regulate, by order, land development in the unincorporated area of the county by taking certain actions.

Sec. 232.152. **ELECTION TO GRANT REGULATORY AUTHORITY.** Authorizes a 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. 232.153. **BALLOT PROPOSITION.** Requires, for an election under this subchapter, the ballot 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. 232.154. **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 subchapter.

SECTION 2. Amends Section 395.001(7), Local Government Code, to redefine "political subdivision" to include a county authorized to regulate land development under Subchapter F, Chapter 232 (County Regulation of Subdivisions). Makes nonsubstantive changes.

SECTION 3. Amends Section 395.011(b), Local Government Code, to delete text specifying that political subdivisions are authorized to enact or impose impact fees on land within their corporate boundaries.

SECTION 4. Amends Sections 395.016(c) and (d), Local Government Code, to make conforming changes.

SECTION 5. Amends the heading for Chapter 232, Local Government Code, to read as follows:

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
DEVELOPMENT

SECTION 6. Effective date: upon passage or September 1, 2005.