

BILL ANALYSIS

Senate Research Center
83R21703 SCL-D

H.B. 1970
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Intergovernmental Relations
5/10/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law in Chapter 242 (Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction) of the Local Government Code, municipalities and counties are required to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the city's extraterritorial jurisdiction (ETJ). However, cities and counties along the international border of Texas are exempt from Chapter 242. As a result, the City and the County of El Paso have differing and sometimes conflicting subdivision standards related to development in the ETJ. Local developers seeking permits and entitlements to build in the ETJ have to vet subdivision plats through both the city and the county, which hinders the development process and places an additional burden on the planning and development staff of the city and county.

H.B. 1970 authorizes a county with a population of 800,000 or more located within 50 miles of an international border to enter into a mutual agreement with the city to identify which governmental entity is authorized to regulate subdivision plats and permits in the ETJ in a manner similar to the existing process in Chapter 242.

H.B. 1970 amends current law relating to the authority of certain municipalities and counties to regulate subdivisions in the extraterritorial jurisdiction of a municipality by agreement.

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 Section 242.001(h), Local Government Code, as follows:

(h) Provides that this subsection applies only to a county to which Subsections (b) (relating to prohibiting certain plats from being filed with a county clerk without the approval of certain government entities), (c) (relating to prohibiting both a municipality and a county from regulating subdivisions and approving related permits in the extraterritorial jurisdiction of a municipality after an agreement under Subsection (d) is executed), (d) (relating to authorizing a certain agreement to grant the authority to regulate subdivision plats and approve related permits under certain circumstances), (e) (relating to prohibiting a municipality from regulating subdivisions or approving the filing of plats under certain circumstances), (f) (relating to requiring a county and a municipality to enter into arbitration that meets certain criteria if the county and municipality do not reach a certified agreement under certain circumstances), and (g) (relating to providing that a proposal or plan relating to establishing a plan for future roads by a metropolitan planning organization prevails if it conflicts with a regulation or agreement adopted under this section) do not apply, except that this subsection does not apply to a county subject to Section 242.002 (Regulation of Subdivisions in Populous Counties or Contiguous Counties) or county that has entered into an agreement under Section 242.003.

SECTION 2. Amends Chapter 242, Local Government Code, by adding Section 242.003, as follows:

Sec. 242.003. AUTHORITY OF CERTAIN BORDER COUNTIES AND MUNICIPALITIES TO REGULATE SUBDIVISIONS IN EXTRATERRITORIAL JURISDICTION BY AGREEMENT. (a) Provides that this section applies only to a county having a population of more than 800,000 and located on the international border and a municipality that has extraterritorial jurisdiction, as defined by Section 212.001 (Definitions), in that county.

(b) Authorizes a county and a municipality to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction of the municipality in a manner consistent with Section 242.001(d). Requires the county and the municipality to adopt the agreement by order, ordinance, or resolution.

(c) Requires that the agreement be amended by the county and the municipality 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. Provides that any expansion or reduction in the municipality's extraterritorial jurisdiction that affects property that is subject to a preliminary or final plat, a plat application, or an application for a related permit filed with the municipality or the county or that was previously approved under Section 212.009 (Approval Procedure) or Chapter 232 (County Regulation of Subdivisions) does not affect any rights accrued under Chapter 245 (Issuance of Local Permits). Provides that the approval of the plat, any permit, a plat application, or an application for a related permit remains effective as provided by Chapter 245 regardless of the change in designation as extraterritorial jurisdiction of the municipality.

(d) Prohibits a municipality, in an unincorporated area outside the extraterritorial jurisdiction of the municipality, from regulating subdivisions or approving the filing of plats, except as provided by Chapter 791 (Interlocal Cooperation Contracts), Government Code.

(e) Provides that property subject to pending approval of a preliminary or final plat is governed by Section 242.001(i) (relating to requiring that property subject to a pending preliminary or final plat application that is released from the extraterritorial jurisdiction of a municipality be subject only to county approval under certain circumstances).

SECTION 3. Effective date: upon passage or September 1, 2013.