

BILL ANALYSIS

Senate Research Center
83R16727 SCL-D

C.S.S.B. 1046
By: Rodríguez
Intergovernmental Relations
4/19/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

C.S.S.B. 1046 requires 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.

C.S.S.B. 1046 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, to provide that this section applies only to a county to which Subsections (b)-(g) 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 a 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 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) (relating to authorizing an agreement under Subsection (c) to grant the authority to regulate subdivision plats and

approve related permits in the extraterritorial jurisdiction of a municipality). 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 regulated permit remains effective as provided by Chapter 245 regardless of the change in designation as extraterritorial jurisdiction of the municipality.

(d) Prohibits the municipality, in an unincorporated area outside the extraterritorial jurisdiction of a municipality, from regulating subdivisions or approve 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 certain property to be subject only to county approval of the plat application and related permits and county regulation of the plat).

SECTION 2. Effective date: upon passage or September 1, 2013.