

BILL ANALYSIS

Senate Research Center

H.B. 1445
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Intergovernmental Relations
5/6/2001
Engrossed

DIGEST AND PURPOSE

Under current law, a subdivision in the extraterritorial jurisdiction (ETJ) of a municipality is subject to both municipal and county development regulations. This may lead to unnecessary expenses and delays for property owners because municipalities and counties have different standards, requirements, and levels of authority over subdivisions. H.B. 1445 provides for an agreement between the county and the municipality to regulate a subdivision in the ETJ of a municipality.

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, Local Government Code, as follows:

Sec. 242.001. (a) Provides that Subsections (b)-(e) do not apply to a county with a municipality with a population of 1.9 million or more, or to the extraterritorial jurisdiction of such a municipality. Provides that Subsection (g) applies to a county and area to which Subsections (b)-(e) do not apply.

(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 Subsection (c) or (d) to regulate subdivisions in the area (rather than the approval of both the municipality and the county. Deletes text regarding conditions under which one governmental entity requires a plat to be filed while another does not.

(c) Prohibits a municipality and a county, except as provided by Subsection (d)(4), 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 subdivision plats and approve related permits in the extraterritorial jurisdiction. Sets forth guidelines for municipalities in existence on September 1, 2001, and for those incorporated after September 1, 2001. Sets forth guidelines regarding the agreement. 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 subdivision plats and approve related permits in the extraterritorial jurisdiction of a municipality. Sets forth guidelines for such an agreement.

(e) Sets forth guidelines regarding a situation in which a municipality and a county fail to enter into a written agreement as required by Subsection (c).

(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 (rather than (Article 4413(32c), V.T.C.S.). Makes a nonsubstantive change.

(g) Prohibits a plat, for an area in a municipality's extraterritorial jurisdiction, as defined by Section 212.001, from being filed with the county clerk without the approval of both the municipality and the county. Sets forth guidelines regarding a situation under which only one of those governmental entities requires a plat to be filed for the subdivision of a particular tract of land in the extraterritorial jurisdiction of the municipality.

SECTION 2. Effective date: September 1, 2001.