

BILL ANALYSIS

Senate Research Center
77R3157 PAM-D

S.B. 517
By: Lucio
Business & Commerce
2/20/2001
As Filed

DIGEST AND PURPOSE

Currently, the Texas border is plagued by a rash of unincorporated subdivisions that lack basic services such as water, wastewater systems, electricity and paved roads. These areas are commonly known as “colonias.” As proposed, S.B. 517 provides border counties the necessary tools to prevent the proliferation of colonias.

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. REGULATION OF LAND DEVELOPMENT IN CERTAIN COUNTIES

Sec. 236.001. **APPLICABILITY.** Provides that this chapter applies only to a county any part of which is located within 50 miles of an international border.

Sec. 236.002. **REGULATORY AUTHORITY.** Authorizes the commissioners court of the county by order to regulate land development in the unincorporated area of the county by setting forth certain regulations.

Sec. 236.003. **MUNICIPAL ORDINANCE PREVAILS OVER COUNTY ORDER.** Provides that if an order adopted under this chapter conflicts with an ordinance of a municipality, the municipal ordinance prevails within the municipality’s jurisdiction to the extent of the conflict.

Sec. 236.004. **EXISTING COUNTY AUTHORITY UNAFFECTED.** Provides that the authority granted by this chapter does not affect the authority of the commissioners court to adopt an order or ordinance under other law.

Sec. 236.005. **INJUNCTION.** Provides that the county, in a suit brought by the county attorney or other prosecuting attorney representing the county in the district court, is entitled to appropriate injunctive relief to prevent the violation or threatened violation of an order adopted under this chapter from continuing or occurring.

Sec. 236.006. **PENALTY.** Provides that a person commits an offense if the person violates a restriction or prohibition imposed by an order adopted under this Chapter. Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2001.