

BILL ANALYSIS

Senate Research Center
78R1898 AKH-F

S.B. 544
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Intergovernmental Relations
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DIGEST AND PURPOSE

The 77th Texas Legislature passed legislation which enabled subdivisions in the extraterritorial jurisdiction (ETJ) of a municipality to not be subject to both municipal and county development regulations by consolidating development regulations. As proposed, S.B. 544 divides counties into two classes: counties with a population of 700,000 or more and populous and less populous counties. Since less populous counties are not experiencing the same level of development as are urban counties, problems with dual regulation are not as apparent. In those counties, dual regulation of subdivisions would be allowed. In populous counties, however, regulation of subdivisions in the ETJ would become the exclusive responsibility of the county.

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. Reenacts and amends Section 242.001, Local Government Code, as amended by Chapters 736 and 1028, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 242.001. New heading: REGULATION OF SUBDIVISIONS IN EXTRATERRITORIAL JURISDICTION GENERALLY. (a) Provides that this section applies to a county unless the county is subject to Section 242.002

(b) Adds "subdivision" to existing text as a modifier for "plat."

(c) Authorizes a municipality, in the extraterritorial jurisdiction of the municipality, to regulate plats and subdivisions in accordance with Chapter 212A and other statutes applicable to municipalities, and authorizes the county to regulate plats and subdivisions in accordance with Chapter 232 and other statutes applicable to counties. Provides that if a municipal regulation conflicts with a county regulation:

(1) the county regulation prevails if it relates to the design and construction of roads, road drainage infrastructure, or subdivision drainage infrastructure; and

(2) the municipal regulation prevails in all other cases.

Deletes existing text regarding conflict with a county regulation.

SECTION 2. Amends Chapter 242, Local Government Code, by amending Section 242.002 and by redesignating Subsection (d) of that section as Section 242.003, as follows:

Sec. 242.002. New heading: REGULATION OF SUBDIVISIONS IN EXTRATERRITORIAL JURISDICTION IN POPULOUS COUNTIES OR CONTIGUOUS COUNTIES. (a) Provides that this section applies only to a county that

meets certain qualifications.

(b) Provides that, for an area in a municipality's extraterritorial jurisdiction, as defined by Section 212.001, a subdivision plat may not be filed with the county clerk without the approval of the governmental entity authorized under Subsection (c) or (d) to regulate subdivisions in the area.

(c) Provides that, in the extraterritorial jurisdiction of a municipality, the county has exclusive authority to regulate plats and subdivisions in accordance with Chapter 232 and other statutes applicable to counties.

(d) Authorizes the county and municipality to enter into an interlocal agreement that authorizes the municipality to perform certain functions.

(e) Provides that an agreement under Subsection (d) is valid only if certain conditions are met.

Sec. 242.003. REGULATION OF SUBDIVISIONS OUTSIDE EXTRATERRITORIAL JURISDICTION. Provides that in each county in an unincorporated area outside the extraterritorial jurisdiction of a municipality, the municipality may not regulate subdivisions or approve the filing of plats, except as provided by The Interlocal Cooperation Act, Chapter 791, Government Code.

SECTION 3. Amends Chapter 212A, Local Government Code, by adding Section 212.0025, as follows:

Sec. 212.0025. CHAPTER-WIDE PROVISION RELATING TO REGULATION OF PLATS AND SUBDIVISIONS IN EXTRATERRITORIAL JURISDICTION. Provides that the authority of a municipality under this chapter relating to the regulation of plats or subdivisions in the municipality's extraterritorial jurisdiction is subject to any applicable limitation prescribed by Section 242.001 or 242.002.

SECTION 4. Amends Chapter 232A, Local Government Code, by adding Section 232.0013 to make a conforming change.

SECTION 5. Amends Section 232.0015(b), Local Government Code, to make a conforming change.

SECTION 6. Amends Section 232.006(b), Local Government Code, to delete current language from existing text regarding application of this section.

SECTION 7. Amends Section 232.008(a), Local Government Code, to make conforming changes.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2003.