

BILL ANALYSIS

Senate Research Center

S.B. 1659
By: Carona
Intergovernmental Relations
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, owners of land that is located in a municipality's extraterritorial jurisdiction are required to comply with municipal land use regulations as are applicable, and to also comply with land use regulations of the county in which the land is located. The legislature, recognizing that such overlapping of county and municipality authority could be conflicting, confusing, and expensive, and impose an undue burden on land owners, developed a program under which municipalities and counties are required to communicate and develop one set of agreed-upon regulations. Unfortunately, some municipalities and counties have not been able to come to an agreement and some landowners are being disadvantaged.

As proposed, S.B. 1659 addresses the inability of some municipalities and counties to communicate and develop one set of agreed-upon regulations a private property land owner who has entered into a land use agreement with a municipality, by providing that the municipality shall have sole authority if the municipality and the county have not come to an agreement as of January 1, 2005.

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, by adding Subsection (j), to provide that this subsection applies to property that is located within a conservation and reclamation district within the extraterritorial jurisdiction of a municipality, and the development of the property is the subject of a written agreement between the property owner and the municipality that was effective prior to January 1, 2005, and was recorded in the real property records. Provides that if the municipality and the county, as of January 1, 2005, have not entered into an agreement as required by Section 242.001 designating which entity is authorized to regulate subdivisions in the municipality's extraterritorial jurisdiction, the municipality shall have sole authority to regulate subdivisions and approve related permits, including plats, with respect to property that is subject to this subsection, unless provided otherwise in the agreement between the municipality and the property owner.

SECTION 2. Effective date: upon passage or September 1, 2005.