

BILL ANALYSIS

H.B. 1747
By: West, George "Buddy"
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

House Bill 1747 grants authority to hold an election to vote on enacting ordinances to regulate the sexually oriented business in their areas. This only applies to the unincorporated areas of a county and will enable the county to restrict the location of sexually oriented businesses and the density of sexually oriented businesses. It could also prohibit the location of a sexually oriented businesses with in a certain distance of a school, regular places of religious worship, residential neighborhood, or other specified land that the commissioner of the county finds to be inconsistent with the operation of a sexually oriented business.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends SECTION 1. Chapter 243, Local Government Code, by designating Sections 243.001-243.011 as Subchapter A and adding a heading for Subchapter A to read as follows

SECTION 2.

Amends Chapter 243, Local Government Code, by adding Subchapter B to read as follows:

Sec. 243.051. COUNTY REGULATION REQUIRED. A county may be required to regulate sexually oriented businesses under Subchapter A to the extent provided by this subchapter following an election held under this subchapter.

Sec. 243.052. PETITION. (a) A petition for an election under this subchapter must include a statement worded substantially as follows and located on each page of the petition preceding the space reserved for signatures: "This petition requests that an election be held in (name of county) to require the county to regulate sexually oriented businesses in the unincorporated areas of the county."

(b) To be valid, a petition must be signed by registered voters of the unincorporated area of the county in a number equal to at least five percent of the number of votes received by all candidates for governor in the unincorporated area of the county in the most recent gubernatorial general election.

(c) Not later than the fifth day after the date the commissioners court of the county receives a petition, the court shall submit the petition for verification to the county clerk, who shall determine whether the petition meets the requirements imposed by this section.

(d) Not later than the 30th day after the date the petition is submitted to the county clerk for verification, the county clerk shall certify in writing to the commissioners court whether the petition is valid. If the county clerk determines that the petition is invalid, the clerk shall state the reasons for that determination.

Sec. 243.053. ELECTION. (a) If the county clerk certifies that a petition is valid under Section 243.052, the commissioners court shall order an election to be held on the first uniform election date in November that occurs after the date the court receives the county clerk's certification and that allows for compliance with the time requirements prescribed by Chapter 3, Election Code.

(b) The ballot for the election shall be printed to provide for voting for or against the proposition: "Requiring (name of county) to regulate sexually oriented businesses in the unincorporated areas of the county."

(c) If a majority of the votes cast at the election approve the proposition, the county is required to adopt regulations under Subchapter A to:

1 restrict:

(A) the location of sexually oriented businesses to particular areas; and

(B) the density of sexually oriented businesses; and

2 prohibit the location of sexually oriented businesses within a certain distance of a school, regular place of religious worship, residential neighborhood, or other specified land use the commissioners court finds to be inconsistent with the operation of a sexually oriented business.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.