

By: West

H.B. No. 1747

A BILL TO BE ENTITLED

AN ACT

relating to requiring counties to regulate sexually oriented businesses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Chapter 243, Local Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. ELECTION REQUIRING COUNTY REGULATION

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

1 at least five percent of the number of votes received by all  
2 candidates for governor in the unincorporated area of the county in  
3 the most recent gubernatorial general election.

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

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

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

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

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

1 Subchapter A to:

2 (1) restrict:

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

5 (B) the density of sexually oriented businesses;  
6 and

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

12 SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2003.