

By: Flores

H.B. No. 2438

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority to regulate subdivisions of land and  
3 issue certain permits in the municipality's extraterritorial  
4 jurisdiction.

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

6 SECTION 1. Section 232.0015(b), Local Government Code, is  
7 amended to read as follows:

8 (b) Notwithstanding other provisions of this subchapter,  
9 this [This] subchapter does not apply to a subdivision of land:

10 (1) to which Subchapter B applies; or

11 (2) in the extraterritorial jurisdiction of  
12 municipalities, as determined under Chapter 42.

13 SECTION 2. Section 232.022(c), Local Government Code, is  
14 amended to read as follows:

15 (c) For purposes of this section, land is considered to be  
16 in the jurisdiction of a county if the land is located in the county  
17 and outside municipalities and the extraterritorial jurisdiction  
18 of municipalities, as determined under Chapter 42 [~~the corporate~~  
19 ~~limits of municipalities~~].

20 SECTION 3. Section 232.071, Local Government Code, is  
21 amended to read as follows:

22 Sec. 232.071. APPLICABILITY. This subchapter applies only  
23 to the subdivision of land located:

24 (1) outside the corporate limits of municipalities and

1 the extraterritorial jurisdiction of municipalities, as determined  
2 under Chapter 42 [a municipality]; and

3 (2) in a county:

4 (A) eligible for financial assistance under  
5 Section 15.407, Water Code, or Subchapter K, Chapter 17, Water  
6 Code; and

7 (B) to which Subchapter B does not apply.

8 SECTION 4. Section 232.101(a), Local Government Code, is  
9 amended to read as follows:

10 (a) By an order adopted and entered in the minutes of the  
11 commissioners court and after a notice is published in a newspaper  
12 of general circulation in the county, the commissioners court may  
13 adopt rules governing plats and subdivisions of land within the  
14 unincorporated area of the county and outside municipalities'  
15 extraterritorial jurisdiction, as determined under Chapter 42, to  
16 promote the health, safety, morals, or general welfare of the  
17 county and the safe, orderly, and healthful development of the  
18 unincorporated area of the county.

19 SECTION 5. Section 233.062(a), Local Government Code, is  
20 amended to read as follows:

21 (a) The fire code applies only to the following buildings  
22 constructed in an unincorporated area of the county and outside the  
23 extraterritorial jurisdiction of municipalities, as determined  
24 under Chapter 42:

25 (1) a commercial establishment; and

26 (2) a public building.

27 SECTION 6. Section 233.063(a), Local Government Code, is

1 amended to read as follows:

2 (a) A person may not construct a building described by  
3 Section 233.062(a) in an unincorporated area of the county and  
4 outside the extraterritorial jurisdiction of municipalities, as  
5 determined under Chapter 42, unless the person obtains a building  
6 permit issued in accordance with this subchapter.

7 SECTION 7. Chapter 233, Local Government Code, is amended  
8 by adding Subchapter Z to read as follows:

9 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

10 Sec. 233.901. COUNTY BUILDING PERMIT IN EXTRATERRITORIAL  
11 JURISDICTION PROHIBITED. A county may not require a permit to erect  
12 or improve a building or other structure in the extraterritorial  
13 jurisdiction of a municipality, as defined by Chapter 42.

14 SECTION 8. Subchapter Z, Chapter 214, Local Government  
15 Code, is amended by adding Section 214.904 to read as follows:

16 Sec. 214.904. ISSUANCE OF BUILDING PERMIT IN  
17 EXTRATERRITORIAL JURISDICTION. A municipality may issue a permit  
18 to erect or improve a building or other structure in the  
19 municipality's extraterritorial jurisdiction. The municipality  
20 shall develop criteria governing the issuance of the permit as  
21 necessary to protect the public health and safety.

22 SECTION 9. Chapter 242, Local Government Code, is repealed.

23 SECTION 10. The changes in law made by this Act to Chapter  
24 233, Local Government Code, apply only to a building or other  
25 structure on which construction or improvements began on or after  
26 September 1, 2003.

27 SECTION 11. The changes in law made by this Act to Chapter

1 232, Local Government Code, apply only to a subdivision plat that is  
2 filed on or after September 1, 2003, and to the subdivision covered  
3 by that plat. A subdivision plat that is filed before September 1,  
4 2003, and the subdivision covered by that plat are governed by the  
5 law in effect immediately preceding that date, and the former law is  
6 continued in effect for that purpose.

7 SECTION 12. This Act takes effect September 1, 2003.