

By: Wentworth

S.B. No. 1631

Substitute the following for S.B. No. 1631:

By: Mowery

C.S.S.B. No. 1631

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate planning and infrastructure after a local option election.

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

SECTION 1. Section 232.100, Local Government Code, is amended to read as follows:

Sec. 232.100. APPLICABILITY. (a) This subchapter applies only to the subdivision of land that is:

(1) subject to county regulations under Subchapter A or B; and

(2) in a county that:

(A) has a population of 150,000 or more and is adjacent to an international border;

(B) has a population of 700,000 or more; or

(C) is adjacent to a county with a population of 700,000 or more and:

(i) is within the same metropolitan statistical area as that adjacent county, as designated by the United States Office of Management and Budget; or

(ii) is not within the same metropolitan statistical area as that adjacent county and that when comparing any two consecutive decennial censuses occurring in or after 1990 had a population increase of more than 40 percent.

(b) A county described by Subsection (a)(2)(C)(ii) may

1 adopt rules under this subchapter only after authority has been
2 granted in accordance with Section 232.1005.

3 SECTION 2. Subchapter E, Chapter 232, Local Government
4 Code, is amended by adding Section 232.1005 to read as follows:

5 Sec. 232.1005. ELECTION TO GRANT REGULATORY AUTHORITY IN
6 CERTAIN COUNTIES. (a) The commissioners court of a county
7 described by Section 232.100(a)(2)(C)(ii) may order and hold an
8 election on a uniform election date in the county on the question of
9 granting the commissioners court the authority to adopt regulations
10 under this subchapter.

11 (b) For an election under this section, the ballot shall be
12 prepared to permit voting for or against the proposition: "Granting
13 (name of county) the authority to regulate infrastructure and
14 planning in accordance with Subchapter E, Chapter 232, Local
15 Government Code, in the unincorporated area of the county."

16 (c) If a majority of the votes received on the question at
17 the election approve the grant of authority, the commissioners
18 court of the county may adopt a regulation under this subchapter.

19 SECTION 3. This Act takes effect September 1, 2003.