

1-1 By: Wentworth S.B. No. 1631  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 22, 2003, reported favorably by the following  
1-5 vote: Yeas 4, Nays 0; April 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the authority of a county to regulate land development  
1-9 after a local option election.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 232, Local Government Code, is amended  
1-12 by adding Subchapter F to read as follows:

1-13 SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

1-14 Sec. 232.151. SCOPE OF REGULATORY AUTHORITY. The  
1-15 commissioners court of a county that is granted authority in  
1-16 accordance with this subchapter may regulate, by order, land  
1-17 development in the unincorporated area of the county by:

1-18 (1) requiring a subdivision to use a central water or  
1-19 wastewater system under standards adopted by the county;

1-20 (2) requiring that a subdivision have a minimum fire  
1-21 suppression system, including the use of fire hydrants, storage  
1-22 tanks, or ponds;

1-23 (3) requiring improvements to roadways serving a  
1-24 subdivision;

1-25 (4) requiring a minimum amount of open space or  
1-26 imposing a limit on the amount of impervious cover for recharge and  
1-27 runoff purposes;

1-28 (5) imposing impact fees under Chapter 395; or

1-29 (6) adopting any other regulation necessary to  
1-30 regulate or manage land development.

1-31 Sec. 232.152. ELECTION TO GRANT REGULATORY AUTHORITY. The  
1-32 commissioners court of a county may order and hold an election in  
1-33 the county on the question of granting the commissioners court the  
1-34 authority to regulate land development in the unincorporated area  
1-35 of the county.

1-36 Sec. 232.153. BALLOT PROPOSITION. For an election under  
1-37 this subchapter, the ballot shall be prepared to permit voting for  
1-38 or against the proposition: "Granting (name of county) the  
1-39 authority to regulate land development in the unincorporated area  
1-40 of the county."

1-41 Sec. 232.154. EFFECT OF ELECTION. If a majority of the  
1-42 votes received on the question at the election approve the grant of  
1-43 authority, the commissioners court of the county may adopt a  
1-44 regulation under this subchapter.

1-45 SECTION 2. Subdivision (7), Section 395.001, Local  
1-46 Government Code, is amended to read as follows:

1-47 (7) "Political subdivision" means:

1-48 (A) a municipality;

1-49 (B) ~~[ ]~~ a district or authority created under  
1-50 Article III, Section 52, or Article XVI, Section 59, of the Texas  
1-51 Constitution;

1-52 (C) ~~[, or, ]~~ for the purposes set forth by Section  
1-53 395.079, certain counties described by that section; or

1-54 (D) a county authorized to regulate land  
1-55 development under Subchapter F, Chapter 232.

1-56 SECTION 3. Subsection (b), Section 395.011, Local  
1-57 Government Code, is amended to read as follows:

1-58 (b) Political subdivisions may enact or impose impact fees  
1-59 on land within their ~~corporate~~ boundaries or extraterritorial  
1-60 jurisdictions only by complying with this chapter, except that  
1-61 impact fees may not be enacted or imposed in the extraterritorial  
1-62 jurisdiction for roadway facilities.

1-63 SECTION 4. Subsections (c) and (d), Section 395.016, Local  
1-64 Government Code, are amended to read as follows:

2-1 (c) This subsection applies only to impact fees adopted  
2-2 after June 20, 1987. For new development which is platted in  
2-3 accordance with Subchapter A, Chapter 212, or Subchapter A or B,  
2-4 Chapter 232, or the subdivision or platting procedures of any other  
2-5 [a] political subdivision before the adoption of an impact fee, an  
2-6 impact fee may not be collected on any service unit for which a  
2-7 valid building permit is issued within one year after the date of  
2-8 adoption of the impact fee.

2-9 (d) This subsection applies only to land platted in  
2-10 accordance with Subchapter A, Chapter 212, or Subchapter A or B,  
2-11 Chapter 232, or the subdivision or platting procedures of any other  
2-12 [a] political subdivision after adoption of an impact fee adopted  
2-13 after June 20, 1987. The political subdivision shall assess the  
2-14 impact fees before or at the time of recordation of a subdivision  
2-15 plat or other plat under Subchapter A, Chapter 212, or Subchapter A  
2-16 or B, Chapter 232, or the subdivision or platting ordinance or  
2-17 procedures of any other political subdivision in the official  
2-18 records of the county clerk of the county in which the tract is  
2-19 located. Except as provided by Section 395.019, if the political  
2-20 subdivision has water and wastewater capacity available:

2-21 (1) the political subdivision shall collect the fees  
2-22 at the time the political subdivision issues a building permit;

2-23 (2) for land platted outside the corporate boundaries  
2-24 of a municipality, the municipality shall collect the fees at the  
2-25 time an application for an individual meter connection to the  
2-26 municipality's water or wastewater system is filed; or

2-27 (3) a political subdivision that lacks authority to  
2-28 issue building permits in the area where the impact fee applies  
2-29 shall collect the fees at the time an application is filed for an  
2-30 individual meter connection to the political subdivision's water or  
2-31 wastewater system.

2-32 SECTION 5. The heading for Chapter 232, Local Government  
2-33 Code, is amended to read as follows:

2-34 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY  
2-35 DEVELOPMENT

2-36 SECTION 6. This Act takes effect immediately if it receives  
2-37 a vote of two-thirds of all the members elected to each house, as  
2-38 provided by Section 39, Article III, Texas Constitution. If this  
2-39 Act does not receive the vote necessary for immediate effect, this  
2-40 Act takes effect September 1, 2003.

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