

## BILL ANALYSIS

C.S.H.B. 3288  
By: Swinford  
Land & Resource Management  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Owners of land that is located in a municipality's extraterritorial jurisdiction must comply with municipal land use regulations that are applicable, and must also comply with land use regulations of the county in which the land is located. The Legislature, recognizing that such overlapping regulations could be conflicting, confusing, expensive, and impose an undue burden on owners of land, developed a program under which municipalities and counties are required to communicate and develop one set of agreed-upon regulations.

Unfortunately, some municipalities and counties have not been able to come to an agreement and some landowners are being disadvantaged. The purpose of C.S.H.B. 3288 is to address this problem when it is encountered by a private property owner who has entered into a land use agreement with a municipality.

### RULEMAKING AUTHORITY

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

### ANALYSIS

SECTION 1. *Amends Section 242.001, Local Government Code, by adding Subsection (j), as follows:*

Applicable only to property located within a "district" as defined by the Water Code **and** is within the extraterritorial jurisdiction of a municipality **and** is the subject of a written agreement (recorded in property records) regarding its development between the owner and the municipality effective before 2005.

Mandates that the municipality shall have sole shall have sole authority to regulate subdivisions, etc., with respect to property that is subject to an agreement **unless** provided otherwise in the agreement **if** there is no agreement between the municipality and the county designating which entity is authorized to regulate subdivisions in the ETJ.

SECTION 2. Effective Date.

### EFFECTIVE DATE

Effective date is September 1, 2005 or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

### COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The Original defined "district" under 49.002, Water Code, while the Substitute defined it under 49.001.