

## BILL ANALYSIS

Senate Research Center  
79R12499 ATP-D

C.S.S.B. 142  
By: Wentworth  
Intergovernmental Relations  
4/17/2005  
Committee Report (Substituted)

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Texas counties are given little authority over development in their unincorporated areas. For example, counties do not have the authority to require central water/wastewater systems, minimum fire suppression systems, improvements to roadways, minimum amounts of public space, and impact fees.

C.S.S.B. 142 authorizes a county commissioners court, after approval by the voters in the county, to adopt court orders to regulate development in unincorporated areas of the county and impose impact fees.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 232, Local Government Code, by adding Subchapter F, as follows:

#### SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

Sec. 232.151. DEFINITIONS. Defines "agriculture" and "agricultural use."

Sec. 232.152. SCOPE OF REGULATORY AUTHORITY. Authorizes the commissioners court of a county that is granted authority in accordance with this subchapter to regulate, by order, land development in the unincorporated area of the county by taking certain actions.

(b) Provides that Subsection (a)(3) does not authorize a county to adopt zoning regulations generally. Requires a county that requires a buffer zone under Subsection (a)(3) to require each affected property owner to maintain on the owner's property a buffer zone of at least 50 percent of the total required buffer zone.

(c) Provides that a county regulation under this subchapter does not apply to land used for an activity for which the state or an agency of the state issues a permit.

(d) Provides that a county regulation under this subchapter, other than a regulation requiring a buffer zone under Subsection (a)(3), does not apply to certain tracts of land or activities.

Sec. 232.153. ELECTION TO GRANT REGULATORY AUTHORITY. Authorizes a commissioners court of a county to order and hold an election in the county on the question of granting the commissioners court the authority to regulate land development in the unincorporated area of the county.

Sec. 232.154. BALLOT PROPOSITION. Requires, for an election under this subchapter, the ballot to be prepared to permit voting for or against the proposition:

"Granting (name of county) the authority to regulate land development in the unincorporated area of the county."

Sec. 232.155. EFFECT OF ELECTION. Authorizes the commissioners court of a county, if a majority of the votes received on the question at the election approve the grant of authority, to adopt a regulation under this subchapter.

SECTION 2. Amends the heading for Chapter 232, Local Government Code, to read as follows:

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY  
DEVELOPMENT

SECTION 3. Effective date: upon passage or September 1, 2005.