

BILL ANALYSIS

Senate Research Center

S.B. 63
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Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas law authorizes a commissioners court in a county that has a population of more than 7,500, is located on an international boundary, and contains no incorporated territory of a municipality, all the powers of the governing body of a Type A general-law municipality under certain circumstances.

S.B. 63 lowers the required population to 5,000 persons and includes counties within 100 miles of an international border. This legislation grants Jim Hogg County the same authority as a general-law municipality. This bill also provides Zapata County with the authority to regulate development in certain unincorporated areas of Zapata County.

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 Section 81.033(a), Local Government Code, to provide that this section (Power of Commissioners Court in County with No Incorporated Territory) applies to a county with a population of more than 5,000, rather than 7,500, that is located within 100 miles of an international border, rather than on an international border.

SECTION 2. Amends Chapter 231, Local Government Code, by adding Subchapter L, as follows:

SUBCHAPTER L. ZONING AROUND FALCON LAKE

Sec. 231.251. **LEGISLATIVE FINDINGS; PURPOSE.** (a) Provides that the legislature finds that the area that surrounds Falcon Lake in Zapata County is frequented for recreational purposes by residents from every part of the state, orderly development and use of the area is of concern to the entire state, and buildings in the area that are frequented for resort or recreational purposes tend to become congested and to be used in ways that interfere with the proper use of the area as a place of recreation to the detriment of the public health, safety, morals, and general welfare.

(b) Provides that the powers granted under this subchapter are for the purpose of promoting the public health, safety, peace, morals, and general welfare and encouraging the recreational use of county land.

Sec. 231.252. **AREAS SUBJECT TO REGULATION.** Provides that this subchapter applies only to the unincorporated area of Zapata County located within 25,000 feet of the project boundary line for Falcon Lake and the Rio Grande.

Sec. 231.253. **FALCON LAKE PLANNING COMMISSION.** (a) Establishes a lake planning commission (commission) for the area subject to this subchapter, and sets forth the composition of the commission.

(b) Requires commission members to be appointed for two-year terms that expire February 1 of each odd-numbered year, except as provided by Subsection (c).

(c) Provides that the terms of the initial members of the commission expire on February 1 of the first February in an odd-numbered year following their appointment.

(d) Authorizes the commissioners court of Zapata County (commissioners court) to employ staff for the commission to use in performing its functions.

Sec. 231.254. COMMISSION STUDY AND REPORT; HEARING. (a) Requires the commission at the request of the commissioners court, or authorizes the commission on its own initiative, to conduct studies of the area subject to this subchapter and prepare reports to advise the commissioners court about matters affecting that area, including any need for zoning regulations in that area.

(b) Requires the commission, before the commission may prepare a report, to hold a public hearing in which members of the public may offer testimony regarding any subject to be included in the commission's report. Requires the commission to provide notice of the hearing as required by the commissioners court.

Sec. 231.255. ZONING REGULATIONS. Authorizes the commissioners court to adopt zoning regulations for the area subject to this subchapter and in accordance with the report that regulate certain factors set forth in this subsection after having received the report from the commission under Section 231.254.

Sec. 231.256. DISTRICTS. (a) Authorizes the commissioners court to divide the area in Zapata County that is subject to this subchapter into districts of a number, shape, and size the court considers best for carrying out this subchapter. Authorizes the commissioners court to regulate certain building, structure, or land use matters within each district.

(b) Requires the zoning regulations to be uniform for each class or kind of building in a district and authorizes the regulations to vary by district. Requires the regulations to be adopted with reasonable consideration for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the area.

Sec. 231.257. ENFORCEMENT; PENALTY; REMEDIES. (a) Authorizes the commissioners court to adopt orders to enforce this subchapter, any order adopted under this subchapter, or a zoning regulation.

(b) Provides that a person commits a misdemeanor, punishable by fine, imprisonment, or both, as provided by the commissioners court, if the person violates this subchapter, an order adopted under this subchapter, or a zoning regulation. Authorizes the commissioners court to also provide civil penalties for a violation.

(c) Authorizes the appropriate county authority to institute appropriate actions for certain purposes related to remedying issues created from certain building, structure, or land use matters that violate this subchapter, an order adopted under this subchapter, or a zoning regulation.

SECTION 3. Effective date: upon passage or September 1, 2007.