

## **BILL ANALYSIS**

Senate Research Center  
80R4569 ATP-D

S.B. 542  
By: West, Royce  
Intergovernmental Relations  
3/1/2007  
As Filed

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

Under current law, county authority to regulate subdivision platting is provided in Chapter 232, Local Government Code. General authority for the commissioners court of a county to regulate subdivision platting is provided in Subchapter A (Subdivision Platting Requirements in General), Chapter 232, Local Government Code, while authority specific to counties on or near the Texas-Mexico border is found in Subchapter B (Subdivision Platting Requirements in County Near International Border), Chapter 232, Local Government Code. Options available to certain urban, suburban, and border-area counties regarding authority to regulate subdivision platting are provided in Subchapter E (Infrastructure Planning Provisions in Certain Urban Counties), Chapter 232, Local Government Code. Testimony offered to the Senate Committee on Intergovernmental Relations during the 79th Legislature interim suggested that there is a desire to make the authority provided in Subchapters B and E available to all Texas counties, on a permissive basis.

As proposed, S.B. 542 authorizes the commissioners court of a county to choose whether to use the platting requirements set out in Subchapter A, Chapter 232, Local Government Code, or those in Subchapter B, Chapter 232, Local Government Code. This bill also authorizes the commissioners court of a county to impose the utility connection requirements found in Sections 232.029 and 232.0291, Local Government Code, without certain requirements previously provided. This bill further expands application of the provisions of Subchapter E to all counties. Finally, this bill authorizes the commissioners court of a county to require fire suppression systems for residential subdivisions.

### **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 the heading to Subchapter E, Chapter 232, Local Government Code, to read as follows:

#### **SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS**

SECTION 2. Amends Section 232.106, Local Government Code, as follows:

Sec. 232.106. CONNECTION OF UTILITIES. Deletes existing text providing the condition that an order be adopted and entered in the minutes of the commissioners court, and a notice be published in a newspaper of a general circulation in the county in order for the commissioners court of a county to be authorized to impose the requirements of Section 232.029 (Connection of Utilities in Counties Within 50 Miles of International Border) or Section 232.0291 (Connection of Utilities in Counties Within 100 Miles of International Border).

SECTION 3. Amends Subchapter E, Chapter 232, Local Government Code, by adding Sections 232.108 and 232.109, as follows:

Sec. 232.108. PLAT REQUIREMENTS. Authorizes the commissioners court to impose the plat requirements prescribed by this chapter (County Regulation of Subdivisions) or the plat requirements prescribed by Section 232.023 (Plat Required), if different.

Sec. 232.109. FIRE SUPPRESSION SYSTEM. Authorizes the commissioners court to require a limited fire suppression system that requires a developer to construct 2,500 gallons of storage for a subdivision of fewer than 50 houses and construct 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage for a subdivision of 50 or more houses.

SECTION 4. Repealer: Section 232.100 (regarding applicability of Subchapter E. Infrastructure Planning Provisions in Certain Urban Counties), Local Government Code.

SECTION 5. Effective date: upon passage or September 1, 2007.