

By: Murphy

H.B. No. 2175

A BILL TO BE ENTITLED

AN ACT

relating to the review and comment procedure of certain regional planning commissions and metropolitan planning organizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 391, Local Government Code, is amended by adding Section 391.0085 to read as follows:

Sec. 391.0085. ADDITIONAL REVIEW AND COMMENT PROCEDURES FOR POPULOUS COUNTIES. (a) This section applies to a commission that includes a participating governmental unit located in a county with a population of 3.3 million or more. To the extent permitted by federal law, this section applies to a metropolitan planning organization located in a county with a population of 3.3 million or more when performing duties similar to those described in this section.

(b) The commission has the sole power and duty to carry out review and comment procedures under Section 391.008, including:

(1) a review of a project's region-wide significance;  
and

(2) a review of whether a project conflicts with a regional plan or policy.

(c) In exercising its powers and duties under Section 391.008, a commission may not:

(1) delegate a power or duty under that section, including to a participating governmental unit;

1           (2) substitute the judgment, evaluation, or  
2 prioritization of a participating governmental unit for the  
3 judgment, evaluation, or prioritization of the commission; or  
4           (3) treat a participating governmental unit  
5 differently than another participating governmental unit,  
6 including when reviewing, commenting, advising, or making a  
7 determination under that section.

8           SECTION 2. This Act takes effect September 1, 2011.