

BILL ANALYSIS

S.B. 1046
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International Trade & Intergovernmental Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires certain municipalities and counties to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction of the municipality; however, some cities and counties along Texas' international border are exempt from this requirement. Interested parties note that, as a result of such an exemption, the city and the county of El Paso have differing and sometimes conflicting standards relating to subdivision development in the extraterritorial jurisdiction and that local developers seeking permits and entitlements to build in that jurisdiction are consequently compelled to vet subdivision plats through both the city and the county, burdening both the development process and the planning and development staff of the city and county. S.B. 1046 seeks to mitigate this burden by authorizing agreements to regulate subdivisions in the extraterritorial jurisdiction of certain municipalities.

RULEMAKING AUTHORITY

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

ANALYSIS

S.B. 1046 amends the Local Government Code to authorize a county with a population of more than 800,000 that is located on the international border and a municipality that has extraterritorial jurisdiction in that county to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction in a manner consistent with statutory provisions governing the regulation of subdivisions in extraterritorial jurisdiction generally. The bill requires the county and the municipality to adopt the agreement by order, ordinance, or resolution.

S.B. 1046 requires the agreement to be amended by the county and the municipality if necessary to take into account an expansion or reduction in the extraterritorial jurisdiction of the municipality and requires the municipality to notify the county of any expansion or reduction in the municipality's extraterritorial jurisdiction. The bill specifies that any expansion or reduction in the municipality's extraterritorial jurisdiction that affects property that is subject to a preliminary or final plat, a plat application, or an application for a related permit filed with the municipality or the county or that was previously approved does not affect any rights accrued under statutory provisions relating to the issuance of a local permit. The bill provides that the approval of the plat, any permit, a plat application, or an application for a related permit remains effective as provided by such provisions regardless of the change in designation as extraterritorial jurisdiction of the municipality. The bill prohibits the municipality from regulating subdivisions or approving the filing of plats in an unincorporated area outside the extraterritorial jurisdiction of a municipality, except as provided by the Interlocal Cooperation Act. The bill adds that property subject to pending approval of a preliminary or final plat is subject only to county approval of the plat application and related permits and county regulation of that plat.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.