

BILL ANALYSIS

Senate Research Center
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S.B. 1046
By: Rodríguez
Intergovernmental Relations
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Chapter 242 (Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction) of the Local Government Code, municipalities and counties are required to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the city's extraterritorial jurisdiction (ETJ). However, cities and counties along the international border of Texas are exempt from Chapter 242. As a result, the City and the County of El Paso have differing and sometimes conflicting subdivision standards related to development in the ETJ. Local developers seeking permits and entitlements to build in the ETJ have to vet subdivision plats through both the city and the county, which hinders the development process and places an additional burden on the planning and development staff of the city and county.

S.B. 1046 requires a county with a population of 800,000 or more located within 50 miles of an international border to enter into a mutual agreement with the city to identify which governmental entity is authorized to regulate subdivision plats and permits in the ETJ in a manner similar to the existing process in Chapter 242.

As proposed, S.B. 1046 amends current law relating to the requirement that certain municipalities and counties regulate subdivisions in the extraterritorial jurisdiction of the municipality by agreement.

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 242.001, Local Government Code, by amending Subsection (a) and adding Subsection (c-1), as follows:

(a) Provides that Subsections (b) (relating to prohibiting certain plats to be filed with the county clerk with the approval of certain government entities), (c) (relating to restrictions on subdivision regulation and related permit approval by both a municipality and a county), (d) (relating to authorizing an agreement to grant authority to a municipality to regulate subdivision plats and approve related permits under certain circumstances), (e) (relating to prohibiting a municipality to regulate subdivisions or approve the filing of plats under certain circumstances), (f) (relating to requiring a county and a municipality to enter into arbitration that meets certain criteria if the county and municipality have not reached an agreement by a certain date), and (g) (relating to providing that a proposal or plan relating to establishing a plan for future roads by a metropolitan planning organization prevails if it conflicts with a regulation or agreement adopted under this section) do not apply under certain circumstances, including within a county with a population of less than 800,000 within 50 miles of an international border, or to which Subchapter C (Subdivision Platting Requirements in Certain Economically Distressed Counties), Chapter 232, applies.

(c-1) Requires a county with a population of more than 800,000 located within 50 miles of an international border to which this section applies to enter into an agreement with a municipality as required by this section not later than April 1, 2014. Requires the county and municipality to enter into arbitration in the manner required by Subsection (f) and Section 242.0015 (Arbitration Regarding Subdivision Regulation Agreement).

SECTION 2. Effective date: September 1, 2013.