

1-1 By: Pickett (Senate Sponsor - Rodriguez) H.B. No. 1970
1-2 (In the Senate - Received from the House April 29, 2013;
1-3 April 30, 2013, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 14, 2013, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 14, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the authority of certain municipalities and counties to
1-16 regulate subdivisions in the extraterritorial jurisdiction of a
1-17 municipality by agreement.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 242.001(h), Local Government Code, is
1-20 amended to read as follows:

1-21 (h) This subsection applies only to a county to which
1-22 Subsections (b)-(g) do not apply, except that this subsection does
1-23 not apply to a county subject to Section 242.002 or a county that
1-24 has entered into an agreement under Section 242.003. For an area in
1-25 a municipality's extraterritorial jurisdiction, as defined by
1-26 Section 212.001, a plat may not be filed with the county clerk
1-27 without the approval of both the municipality and the county. If a
1-28 municipal regulation and a county regulation relating to plats and
1-29 subdivisions of land conflict, the more stringent regulation
1-30 prevails. However, if one governmental entity requires a plat to be
1-31 filed for the subdivision of a particular tract of land in the
1-32 extraterritorial jurisdiction of the municipality and the other
1-33 governmental entity does not require the filing of a plat for that
1-34 subdivision, the authority responsible for approving plats for the
1-35 governmental entity that does not require the filing shall issue on
1-36 request of the subdivider a written certification stating that a
1-37 plat is not required to be filed for that subdivision of the land.
1-38 The certification must be attached to a plat required to be filed
1-39 under this subsection.

1-40 SECTION 2. Chapter 242, Local Government Code, is amended
1-41 by adding Section 242.003 to read as follows:

1-42 Sec. 242.003. AUTHORITY OF CERTAIN BORDER COUNTIES AND
1-43 MUNICIPALITIES TO REGULATE SUBDIVISIONS IN EXTRATERRITORIAL
1-44 JURISDICTION BY AGREEMENT. (a) This section applies only to a
1-45 county having a population of more than 800,000 and located on the
1-46 international border and a municipality that has extraterritorial
1-47 jurisdiction, as defined by Section 212.001, in that county.

1-48 (b) A county and a municipality may enter into an agreement
1-49 that identifies the governmental entity authorized to regulate
1-50 subdivision plats and approve related permits in the
1-51 extraterritorial jurisdiction of the municipality in a manner
1-52 consistent with Section 242.001(d). The county and the
1-53 municipality shall adopt the agreement by order, ordinance, or
1-54 resolution.

1-55 (c) The agreement must be amended by the county and the
1-56 municipality if necessary to take into account an expansion or
1-57 reduction in the extraterritorial jurisdiction of the
1-58 municipality. The municipality shall notify the county of any
1-59 expansion or reduction in the municipality's extraterritorial
1-60 jurisdiction. Any expansion or reduction in the municipality's
1-61 extraterritorial jurisdiction that affects property that is

2-1 subject to a preliminary or final plat, a plat application, or an
2-2 application for a related permit filed with the municipality or the
2-3 county or that was previously approved under Section 212.009 or
2-4 Chapter 232 does not affect any rights accrued under Chapter 245.
2-5 The approval of the plat, any permit, a plat application, or an
2-6 application for a related permit remains effective as provided by
2-7 Chapter 245 regardless of the change in designation as
2-8 extraterritorial jurisdiction of the municipality.

2-9 (d) In an unincorporated area outside the extraterritorial
2-10 jurisdiction of a municipality, the municipality may not regulate
2-11 subdivisions or approve the filing of plats, except as provided by
2-12 Chapter 791, Government Code.

2-13 (e) Property subject to pending approval of a preliminary or
2-14 final plat is governed by Section 242.001(i).

2-15 SECTION 3. This Act takes effect immediately if it receives
2-16 a vote of two-thirds of all the members elected to each house, as
2-17 provided by Section 39, Article III, Texas Constitution. If this
2-18 Act does not receive the vote necessary for immediate effect, this
2-19 Act takes effect September 1, 2013.

2-20 * * * * *