H.B. No. 3793 By: Coleman

	A BILL TO BE ENTITLED
1	AN ACT
2	relating to county powers, duties, and services; providing
3	penalties; imposing fees.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Chapter 511, Government Code, is amended by
6	adding Section 511.019 to read as follows:
7	Sec. 511.019. COUNTY JAIL STUDY. (a) The commission shall
8	<pre>conduct a study of county jails to investigate:</pre>
9	(1) the impact homelessness has on the county jail
10	population;
11	(2) innovative ways to address overcrowding; and
12	(3) innovative ways to address inmates undergoing
13	detoxification and withdrawal from drugs and alcohol during
14	confinement.
15	(b) Not later than December 1, 2014, the commissioner shall
16	prepare and deliver a report to the governor, lieutenant governor,
17	speaker of the house of representatives, and presiding officer of

- each standing committee of the senate and house of representatives 18
- having primary jurisdiction over matters relating to criminal 19
- 20 justice and corrections that contains:
- 21 (1) a summary of the study conducted under this
- 22 section; and
- 23 (2) the recommendations of the commission based on the
- results of the study, including recommendations of any legislation 24

- 1 that is needed to implement the recommendations.
- 2 (c) This section expires September 1, 2015.
- 3 SECTION 2. Subchapter B, Chapter 531, Government Code, is
- 4 amended by adding Section 531.094 to read as follows:
- 5 Sec. 531.094. MAXIMIZATION OF COUNTY INDIGENT HEALTH CARE
- 6 FUNDING. (a) If feasible and cost-effective, the commission shall
- 7 apply for a modification of or amendment to the waiver under Chapter
- 8 537 as necessary to more efficiently leverage the use of county
- 9 funds to maximize the receipt of federal Medicaid matching funds to
- 10 provide counties in the state with additional funding to provide
- 11 indigent health care under Chapter 61, Health and Safety Code.
- 12 (b) In pursuing the waiver modification or amendment
- 13 required under this section, the commission shall:
- 14 (1) solicit broad-based input from interested
- 15 persons; and
- 16 (2) employ the use of intergovernmental transfers and
- 17 other procedures to maximize the receipt of federal Medicaid
- 18 matching funds.
- 19 SECTION 3. Subchapter Z, Chapter 5, Local Government Code,
- 20 is amended by adding Section 5.905 to read as follows:
- Sec. 5.905. INVENTORY OF SERVICES REQUIRED BEFORE
- 22 INCORPORATION. (a) Before a community may incorporate under this
- 23 subtitle, a comprehensive inventory of police, fire, and emergency
- 24 medical services provided by public or private entities in the area
- 25 proposed to be incorporated must be prepared. The inventory must
- 26 include for each service:
- 27 (1) the average dispatch and delivery time;

1	(2) a schedule of equipment, including vehicles;
2	(3) a staffing schedule that discloses the
3	certification and training levels of personnel; and
4	(4) a summary of operating and capital expenditures.
5	(b) The inventory must be filed with the county clerk of the
6	county in which the area proposed for incorporation is located on or
7	before the 60th day before the date of the incorporation election.
8	The county clerk shall make the inventory available for public
9	inspection.
10	SECTION 4. The heading to Chapter 242, Local Government
11	Code, is amended to read as follows:
12	CHAPTER 242. AUTHORITY OF MUNICIPALITY AND COUNTY TO REGULATE
13	SUBDIVISIONS AND PROPERTY DEVELOPMENT [IN AND OUTSIDE
14	MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION]
15	SECTION 5. Chapter 242, Local Government Code, is amended
16	by designating Sections 242.001, 242.0015, and 242.002 as
17	Subchapter A and adding a heading for Subchapter A to read as
18	follows:
19	SUBCHAPTER A. AUTHORITY TO REGULATE SUBDIVISIONS IN AND OUTSIDE
20	MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION
21	SECTION 6. Chapter 242, Local Government Code, is amended
22	by adding Subchapter B to read as follows:
23	SUBCHAPTER B. DEVELOPMENT REGULATIONS IN CERTAIN COUNTIES AND
24	MUNICIPALITIES
25	Sec. 242.051. APPLICABILITY. This subchapter applies only
26	<u>to:</u>
27	(1) a county that includes territory located within 50

1	miles of an international border; or
2	(2) a municipality located in that county if:
3	(A) the county does not exercise in the
4	municipality's extraterritorial jurisdiction the authority
5	described by this subchapter; and
6	(B) the county by resolution authorizes the
7	municipality to exercise in the municipality's extraterritorial
8	jurisdiction the authority described by this subchapter.
9	Sec. 242.052. REGULATORY AUTHORITY. (a) The
10	commissioners court of a county to which this subchapter applies
11	may, by order, regulate residential land development in the
12	unincorporated area of the county. The governing body of a
13	municipality to which this subchapter applies may, by ordinance,
14	regulate residential land development in the municipality's
15	extraterritorial jurisdiction. By this authority, the
16	commissioners court or governing body may prevent the proliferation
17	of colonias by:
18	(1) adopting regulations relating to:
19	(A) maximum densities, including the size of
20	<pre>lots;</pre>
21	(B) the height, number of stories, size, or
22	number of buildings or other structures that may be located on a lot
23	or tract;
24	(C) the location of buildings and other
25	structures on a lot or tract; and
26	(D) the preparation of a plan for utility
27	development, environmental effect and adaptation, utility

- 1 extension, and capacity planning and providing financial analysis
- 2 of said plan; and
- 3 (2) adopting building codes to promote safe and
- 4 uniform building, plumbing, and electrical standards.
- 5 (b) If a tract of land is appraised as agricultural or
- 6 open-space land by the appraisal district, the commissioners court
- 7 or governing body may not regulate land development on that tract
- 8 under the authority granted by Subsection (a)(1)(B), (a)(1)(C), or
- 9 (a)(2).
- 10 (c) The authority granted under this section does not
- 11 <u>authorize</u> the commissioners court or governing body to adopt an
- 12 order regulating commercial property that is uninhabitable.
- 13 (d) The authority granted under this section does not
- 14 authorize the commissioners court or governing body to adopt an
- 15 order that limits or otherwise impairs the rights of individuals or
- 16 entities in the exploration, development, or production of oil,
- 17 gas, or other minerals.
- 18 Sec. 242.053. BUILDING PERMITS. (a) The county or
- 19 municipality, as appropriate, shall issue a building permit if the
- 20 person submitting the application for the permit:
- 21 (1) files information relating to the location of the
- 22 residence;
- 23 (2) files the building plans for the residence; and
- 24 (3) complies with the applicable regulations relating
- 25 to the issuance of the permit.
- 26 (b) The county or municipality may charge a reasonable
- 27 bu<u>ilding permit fee.</u>

- 1 (c) The county or municipality shall deposit fees collected
- 2 under this section in an account in its general fund and dedicate
- 3 the fees to the building permit program. The funds in the account
- 4 may be used only for the purpose of administering the building
- 5 permit program.
- 6 Sec. 242.054. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY
- 7 ORDER. If an order adopted by the county under this subchapter
- 8 conflicts with an ordinance of a municipality, the municipal
- 9 ordinance prevails within the municipality's jurisdiction to the
- 10 extent of the conflict.
- 11 Sec. 242.055. EXISTING AUTHORITY UNAFFECTED. The authority
- 12 granted by this subchapter does not affect the authority of the
- 13 commissioners court or governing body to adopt an order or
- 14 ordinance under other law.
- 15 Sec. 242.056. INJUNCTION. The county or municipality, in a
- 16 <u>suit brought by the appropriate attorney representing the county or</u>
- 17 municipality in the district court, is entitled to appropriate
- 18 injunctive relief to prevent the violation or threatened violation
- 19 of the entity's order or ordinance adopted under this subchapter
- 20 from continuing or occurring.
- Sec. 242.057. PENALTY; EXCEPTION. (a) A person commits an
- 22 offense if the person violates a restriction or prohibition imposed
- 23 by an order or ordinance adopted under this subchapter. An offense
- 24 under this section is a Class C misdemeanor.
- 25 (b) It is an exception to the application of this section
- 26 that:
- 27 (1) the person is an owner-occupant of a residential

- 1 dwelling that is classified by the Texas Department of Housing and
- 2 Community Affairs as a low-income household;
- 3 (2) the dwelling was constructed before the effective
- 4 date of this subchapter;
- 5 (3) the violation related to a building standard or
- 6 building code for that dwelling; and
- 7 (4) the county or municipality, as appropriate:
- 8 (A) did not make available to the person a grant
- 9 or loan in an amount sufficient to cure the violation; or
- 10 (B) made available to the person a loan that was
- 11 sufficient to cure the violation but that caused the housing
- 12 expenses of the person to exceed 30 percent of the person's net
- 13 income.
- 14 SECTION 7. Subchapter A, Chapter 351, Local Government
- 15 Code, is amended by adding Section 351.016 to read as follows:
- Sec. 351.016. REPORT ON HOMELESS INDIVIDUALS. Each county
- 17 shall submit to the Commission on Jail Standards on or before the
- 18 fifth day of each month a report that contains the number of
- 19 homeless individuals confined in the county jail.
- SECTION 8. Section 383.003(a), Local Government Code, is
- 21 amended to read as follows:
- 22 (a) Counties [Small and medium-sized counties] in this
- 23 state need incentives for the development of public improvements to
- 24 attract visitors and tourists [to those counties], and those
- 25 counties are at a disadvantage in competing with counties in other
- 26 states for the location and development of projects that attract
- 27 visitors by virtue of the availability and prevalent use of

- 1 financial incentives in other states.
- 2 SECTION 9. Section 383.021(a), Local Government Code, is
- 3 amended to read as follows:
- 4 (a) The commissioners court of a county [with a population
- 5 of 400,000 or less], on petition of the owners of land in a proposed
- 6 district, may commence the creation of a county development
- 7 district.
- 8 SECTION 10. Section 391.001, Local Government Code, is
- 9 amended by adding Subsection (c) to read as follows:
- 10 <u>(c)</u> This chapter shall be interpreted broadly to:
- 11 (1) ensure that the intent and purpose of this chapter
- 12 <u>is achieved; and</u>
- 13 (2) encourage collaboration between regional planning
- 14 commissions and agencies that provide social service programs to
- 15 <u>maximize available funding.</u>
- SECTION 11. Section 13.084, Water Code, is amended to read
- 17 as follows:
- 18 Sec. 13.084. AUTHORITY OF GOVERNING BODY; COST
- 19 REIMBURSEMENT. The governing body of any municipality, [or] the
- 20 commissioners court of an affected county, or the commissioners
- 21 court of a county authorized to intervene under Section 13.1871 has
- 22 [shall have] the right to select and engage rate consultants,
- 23 accountants, auditors, attorneys, engineers, or any combination of
- 24 these experts to conduct investigations, present evidence, advise
- 25 and represent the governing body, and assist with litigation on
- 26 water and sewer utility ratemaking proceedings. The water and
- 27 sewer utility engaged in those proceedings shall be required to

- H.B. No. 3793
- 1 reimburse the governing body or the commissioners court for the
- 2 reasonable costs of those services and shall be allowed to recover
- 3 those expenses through its rates with interest during the period of
- 4 recovery.
- 5 SECTION 12. Section 13.187(e), Water Code, is amended to
- 6 read as follows:
- 7 (e) If, before the 91st day after the effective date of the
- 8 rate change, the regulatory authority receives a complaint from \underline{a}
- 9 county authorized to intervene under Section 13.1871, any affected
- 10 municipality, or from the lesser of 1,000 or 10 percent of the
- 11 ratepayers of the utility over whose rates the regulatory authority
- 12 has original jurisdiction, the regulatory authority shall set the
- 13 matter for hearing.
- 14 SECTION 13. Subchapter F, Chapter 13, Water Code, is
- 15 amended by adding Section 13.1871 to read as follows:
- Sec. 13.1871. RIGHT OF COUNTY TO INTERVENE. A county, on
- 17 behalf of water rate payers in unincorporated areas of the county,
- 18 may intervene as a party in a rate proceeding under this subchapter.
- 19 SECTION 14. The change in law made by Sections 13.084 and
- 20 13.187(e), Water Code, as amended by this Act, and Section 13.1871,
- 21 Water Code, as added by this Act, applies only to an original rate
- 22 proceeding in which the initial hearing is held on or after
- 23 September 1, 2013. A proceeding in which the initial hearing is
- 24 held before September 1, 2013, is governed by the law in effect
- 25 immediately before the effective date of this Act, and that law is
- 26 continued in effect for that purpose.
- 27 SECTION 15. This Act takes effect September 1, 2013.