

By: Rodriguez

S.B. No. 1046

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of certain municipalities and counties to
3 regulate subdivisions in the extraterritorial jurisdiction of a
4 municipality by agreement.

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

6 SECTION 1. Subsection (h), Section 242.001, Local
7 Government Code, is amended to read as follows:

8 (h) This subsection applies only to a county to which
9 Subsections (b)-(g) do not apply, except that this subsection does
10 not apply to a county subject to Section 242.002 or a county that
11 has entered into an agreement under Section 242.003. For an area in
12 a municipality's extraterritorial jurisdiction, as defined by
13 Section 212.001, a plat may not be filed with the county clerk
14 without the approval of both the municipality and the county. If a
15 municipal regulation and a county regulation relating to plats and
16 subdivisions of land conflict, the more stringent regulation
17 prevails. However, if one governmental entity requires a plat to be
18 filed for the subdivision of a particular tract of land in the
19 extraterritorial jurisdiction of the municipality and the other
20 governmental entity does not require the filing of a plat for that
21 subdivision, the authority responsible for approving plats for the
22 governmental entity that does not require the filing shall issue on
23 request of the subdivider a written certification stating that a
24 plat is not required to be filed for that subdivision of the land.

1 The certification must be attached to a plat required to be filed
2 under this subsection.

3 SECTION 2. Chapter 242, Local Government Code, is amended
4 by adding Section 242.003 to read as follows:

5 Sec. 242.003. AUTHORITY OF CERTAIN BORDER COUNTIES AND
6 MUNICIPALITIES TO REGULATE SUBDIVISIONS IN EXTRATERRITORIAL
7 JURISDICTION BY AGREEMENT. (a) This section applies only to a
8 county having a population of more than 800,000 and located on the
9 international border and a municipality that has extraterritorial
10 jurisdiction, as defined by Section 212.001, in that county.

11 (b) A county and a municipality may enter into an agreement
12 that identifies the governmental entity authorized to regulate
13 subdivision plats and approve related permits in the
14 extraterritorial jurisdiction of the municipality in a manner
15 consistent with Section 242.001(d). The county and the
16 municipality shall adopt the agreement by order, ordinance, or
17 resolution.

18 (c) The agreement must be amended by the county and the
19 municipality if necessary to take into account an expansion or
20 reduction in the extraterritorial jurisdiction of the
21 municipality. The municipality shall notify the county of any
22 expansion or reduction in the municipality's extraterritorial
23 jurisdiction. Any expansion or reduction in the municipality's
24 extraterritorial jurisdiction that affects property that is
25 subject to a preliminary or final plat, a plat application, or an
26 application for a related permit filed with the municipality or the
27 county or that was previously approved under Section 212.009 or

1 Chapter 232 does not affect any rights accrued under Chapter 245.
2 The approval of the plat, any permit, a plat application, or an
3 application for a related permit remains effective as provided by
4 Chapter 245 regardless of the change in designation as
5 extraterritorial jurisdiction of the municipality.

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

10 (e) Property subject to pending approval of a preliminary or
11 final plat is governed by Section 242.001(i).

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