

1-1 By: Rodriguez S.B. No. 1046
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 22, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 22, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1046 By: Garcia

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the authority of certain municipalities and counties to
1-18 regulate subdivisions in the extraterritorial jurisdiction of a
1-19 municipality by agreement.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subsection (h), Section 242.001, Local
1-22 Government Code, is amended to read as follows:

1-23 (h) This subsection applies only to a county to which
1-24 Subsections (b)-(g) do not apply, except that this subsection does
1-25 not apply to a county subject to Section 242.002 or a county that
1-26 has entered into an agreement under Section 242.003. For an area in
1-27 a municipality's extraterritorial jurisdiction, as defined by
1-28 Section 212.001, a plat may not be filed with the county clerk
1-29 without the approval of both the municipality and the county. If a
1-30 municipal regulation and a county regulation relating to plats and
1-31 subdivisions of land conflict, the more stringent regulation
1-32 prevails. However, if one governmental entity requires a plat to be
1-33 filed for the subdivision of a particular tract of land in the
1-34 extraterritorial jurisdiction of the municipality and the other
1-35 governmental entity does not require the filing of a plat for that
1-36 subdivision, the authority responsible for approving plats for the
1-37 governmental entity that does not require the filing shall issue on
1-38 request of the subdivider a written certification stating that a
1-39 plat is not required to be filed for that subdivision of the land.
1-40 The certification must be attached to a plat required to be filed
1-41 under this subsection.

1-42 SECTION 2. Chapter 242, Local Government Code, is amended
1-43 by adding Section 242.003 to read as follows:

1-44 Sec. 242.003. AUTHORITY OF CERTAIN BORDER COUNTIES AND
1-45 MUNICIPALITIES TO REGULATE SUBDIVISIONS IN EXTRATERRITORIAL
1-46 JURISDICTION BY AGREEMENT. (a) This section applies only to a
1-47 county having a population of more than 800,000 and located on the
1-48 international border and a municipality that has extraterritorial
1-49 jurisdiction, as defined by Section 212.001, in that county.

1-50 (b) A county and a municipality may enter into an agreement
1-51 that identifies the governmental entity authorized to regulate
1-52 subdivision plats and approve related permits in the
1-53 extraterritorial jurisdiction of the municipality in a manner
1-54 consistent with Section 242.001(d). The county and the
1-55 municipality shall adopt the agreement by order, ordinance, or
1-56 resolution.

1-57 (c) The agreement must be amended by the county and the
1-58 municipality if necessary to take into account an expansion or
1-59 reduction in the extraterritorial jurisdiction of the
1-60 municipality. The municipality shall notify the county of any

2-1 expansion or reduction in the municipality's extraterritorial
2-2 jurisdiction. Any expansion or reduction in the municipality's
2-3 extraterritorial jurisdiction that affects property that is
2-4 subject to a preliminary or final plat, a plat application, or an
2-5 application for a related permit filed with the municipality or the
2-6 county or that was previously approved under Section 212.009 or
2-7 Chapter 232 does not affect any rights accrued under Chapter 245.
2-8 The approval of the plat, any permit, a plat application, or an
2-9 application for a related permit remains effective as provided by
2-10 Chapter 245 regardless of the change in designation as
2-11 extraterritorial jurisdiction of the municipality.

2-12 (d) In an unincorporated area outside the extraterritorial
2-13 jurisdiction of a municipality, the municipality may not regulate
2-14 subdivisions or approve the filing of plats, except as provided by
2-15 Chapter 791, Government Code.

2-16 (e) Property subject to pending approval of a preliminary or
2-17 final plat is governed by Section 242.001(i).

2-18 SECTION 3. This Act takes effect immediately if it receives
2-19 a vote of two-thirds of all the members elected to each house, as
2-20 provided by Section 39, Article III, Texas Constitution. If this
2-21 Act does not receive the vote necessary for immediate effect, this
2-22 Act takes effect September 1, 2013.

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