

1-1 By: Bettencourt S.B. No. 2037
 1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 20, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0, one present not voting; April 20, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt				X
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the regulation of platting and subdivisions of land by a
 1-20 municipality or county.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 212.003(a), Local Government Code, is
 1-23 amended to read as follows:

1-24 (a) ~~In [The governing body of a municipality by ordinance~~
 1-25 ~~may extend to the extraterritorial jurisdiction of the municipality~~
 1-26 ~~the application of municipal ordinances adopted under Section~~
 1-27 ~~212.002 and other municipal ordinances relating to access to public~~
 1-28 ~~roads or the pumping, extraction, and use of groundwater by persons~~
 1-29 ~~other than retail public utilities, as defined by Section 13.002,~~
 1-30 ~~Water Code, for the purpose of preventing the use or contact with~~
 1-31 ~~groundwater that presents an actual or potential threat to human~~
 1-32 ~~health. However, unless otherwise authorized by state law, in] its~~
 1-33 ~~extraterritorial jurisdiction a municipality shall not regulate,~~
 1-34 ~~either directly or indirectly:~~

1-35 (1) the use of any building or property for business,
 1-36 industrial, residential, or other purposes;

1-37 (2) the bulk, height, or number of buildings
 1-38 constructed on a particular tract of land;

1-39 (3) the size of a building that can be constructed on a
 1-40 particular tract of land, including without limitation any
 1-41 restriction on the ratio of building floor space to the land square
 1-42 footage;

1-43 (4) the number of residential units that can be built
 1-44 per acre of land; ~~or~~

1-45 (5) the size, type, or method of construction of a
 1-46 water or wastewater facility that can be constructed to serve a
 1-47 developed tract of land if ~~+~~

1-48 ~~[(A)]~~ the facility meets the minimum standards
 1-49 established for water or wastewater facilities by state and federal
 1-50 regulatory entities; ~~or~~

1-51 (6) minimum lot sizes, lot dimensions, lot frontages,
 1-52 lot setbacks, or other components of lot density ~~and~~

1-53 ~~[(B) the developed tract of land is:~~

1-54 ~~[(i) located in a county with a population~~
 1-55 ~~of 2.8 million or more; and~~

1-56 ~~[(ii) served by:~~

1-57 ~~[(a) on-site septic systems~~
 1-58 ~~constructed before September 1, 2001, that fail to provide adequate~~
 1-59 ~~services; or~~

1-60 ~~[(b) on-site water wells constructed~~
 1-61 ~~before September 1, 2001, that fail to provide an adequate supply of~~

2-1 ~~safe drinking water~~].

2-2 SECTION 2. Sections 232.101(a) and (b), Local Government
2-3 Code, are amended to read as follows:

2-4 (a) By an order adopted and entered in the minutes of the
2-5 commissioners court and after a notice is published in a newspaper
2-6 of general circulation in the county, the commissioners court may
2-7 adopt rules governing plats and subdivisions of land within the
2-8 unincorporated area of the county as authorized in this subchapter
2-9 ~~[to promote the health, safety, morals, or general welfare of the~~
2-10 ~~county and the safe, orderly, and healthful development of the~~
2-11 ~~unincorporated area of the county]~~.

2-12 (b) A ~~[Unless otherwise authorized by state law, a]~~
2-13 commissioners court shall not regulate, either directly or
2-14 indirectly ~~[under this section]~~:

2-15 (1) the use of any building or property for business,
2-16 industrial, residential, or other purposes;

2-17 (2) the bulk, height, or number of buildings
2-18 constructed on a particular tract of land;

2-19 (3) the size of a building that can be constructed on a
2-20 particular tract of land, including without limitation and
2-21 restriction on the ratio of building floor space to the land square
2-22 footage;

2-23 (4) the number of residential units that can be built
2-24 per acre of land;

2-25 (5) a plat or subdivision in an adjoining county; ~~[or]~~

2-26 (6) road access to a plat or subdivision in an
2-27 adjoining county; or

2-28 (7) minimum lot sizes, lot dimensions, lot frontages,
2-29 lot setbacks, or other components of lot density.

2-30 SECTION 3. Section 212.003(a), Local Government Code, as
2-31 amended by this Act, and Sections 232.101(a) and (b), Local
2-32 Government Code, as amended by this Act, apply only to a plat filed
2-33 on or after the effective date of this Act.

2-34 SECTION 4. This Act takes effect immediately if it receives
2-35 a vote of two-thirds of all the members elected to each house, as
2-36 provided by Section 39, Article III, Texas Constitution. If this
2-37 Act does not receive the vote necessary for immediate effect, this
2-38 Act takes effect September 1, 2023.

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