

By: Coleman

H.B. No. 2977

A BILL TO BE ENTITLED

AN ACT

relating to county powers, duties, and services; providing penalties; imposing fees.

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

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.019 to read as follows:

Sec. 511.019. COUNTY JAIL STUDY. (a) The commission shall conduct a study of county jails to investigate:

(1) the impact homelessness has on the county jail population;

(2) innovative ways to address overcrowding; and

(3) innovative ways to address inmates undergoing detoxification and withdrawal from drugs and alcohol during confinement.

(b) Not later than December 1, 2014, the commissioner shall prepare and deliver a report to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over matters relating to criminal justice and corrections that contains:

(1) a summary of the study conducted under this section; and

(2) the recommendations of the commission based on the results of the study, including recommendations of any legislation

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:

21 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 to:

27           (1) a county that includes territory located within 50

miles of an international border; or

(2) a municipality located in that county if:

(A) the county does not exercise in the municipality's extraterritorial jurisdiction the authority described by this subchapter; and

(B) the county by resolution authorizes the municipality to exercise in the municipality's extraterritorial jurisdiction the authority described by this subchapter.

Sec. 242.052. REGULATORY AUTHORITY. (a) The commissioners court of a county to which this subchapter applies may, by order, regulate residential land development in the unincorporated area of the county. The governing body of a municipality to which this subchapter applies may, by ordinance, regulate residential land development in the municipality's extraterritorial jurisdiction. By this authority, the commissioners court or governing body may prevent the proliferation of colonias by:

(1) adopting regulations relating to:

(A) maximum densities, including the size of lots;

(B) the height, number of stories, size, or number of buildings or other structures that may be located on a lot or tract;

(C) the location of buildings and other structures on a lot or tract; and

(D) the preparation of a plan for utility 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 authorize 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 building permit fee.

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 suit brought by the appropriate attorney representing the county or  
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.

21        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:

16 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.

20 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 (c) This chapter shall be interpreted broadly to:

11 (1) ensure that the intent and purpose of this chapter  
12 is achieved; and

13 (2) encourage collaboration between regional planning  
14 commissions and agencies that provide social service programs to  
15 maximize available funding.

16 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



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 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:

16 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.