

By: González

H.B. No. 3452

A BILL TO BE ENTITLED

AN ACT

relating to regulation of subdivisions in the extraterritorial jurisdiction of certain municipalities.

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

SECTION 1. Section 242.001, Local Government Code, is amended by amending Subsections (a), (c), and (h) and adding Subsection (a-1) to read as follows:

(a) This section applies only to a county operating under Sections 232.001-232.005 or Subchapter B, C, or E, Chapter 232, and a municipality that has extraterritorial jurisdiction in that county. Subsections (b)-(g) do not apply:

(1) within a county that contains extraterritorial jurisdiction of a municipality with a population of 1.9 million or more;

(2) except as provided by Subsection (a-1), within a county within 50 miles of an international border, or to which Subchapter C, Chapter 232, applies; or

(3) to a tract of land subject to a development agreement under Subchapter G, Chapter 212, or other provisions of this code.

(a-1) Notwithstanding Subsection (a)(2), Subsections (b)-(g) apply to a county with a population of 800,000 or more located on the international border and a municipality that has extraterritorial jurisdiction in that county.

1 (c) Except as provided by Subsections (d)(3) and (4), a
2 municipality and a county may not both regulate subdivisions and
3 approve related permits in the extraterritorial jurisdiction of a
4 municipality after an agreement under Subsection (d) is executed.
5 The municipality and the county shall enter into a written
6 agreement that identifies the governmental entity authorized to
7 regulate subdivision plats and approve related permits in the
8 extraterritorial jurisdiction. Except as otherwise provided by
9 this subsection, for [~~For~~] a municipality in existence on September
10 1, 2001, the municipality and county shall enter into a written
11 agreement under this subsection on or before April 1, 2002. Except
12 as otherwise provided by this subsection, for [~~For~~] a municipality
13 incorporated after September 1, 2001, the municipality and county
14 shall enter into a written agreement under this subsection not
15 later than the 120th day after the date the municipality
16 incorporates. For a municipality in existence on September 1,
17 2015, located in a county described by Subsection (a-1), the
18 municipality and the county shall enter into a written agreement
19 under this subsection on or before April 1, 2016. For a
20 municipality located in a county described by Subsection (a-1) that
21 is incorporated after September 1, 2015, the municipality and the
22 county shall enter into a written agreement under this subsection
23 not later than the 120th day after the date the municipality
24 incorporates. On reaching an agreement, the municipality and
25 county shall certify that the agreement complies with the
26 requirements of this chapter. The municipality and the county
27 shall adopt the agreement by order, ordinance, or resolution. The

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

16 (h) This subsection applies only to a county to which
17 Subsections (b)-(g) do not apply, except that this subsection does
18 not apply to a county subject to Section 242.002 [~~or a county that~~
19 ~~has entered into an agreement under Section 242.003~~]. For an area
20 in a municipality's extraterritorial jurisdiction, as defined by
21 Section 212.001, a plat may not be filed with the county clerk
22 without the approval of both the municipality and the county. If a
23 municipal regulation and a county regulation relating to plats and
24 subdivisions of land conflict, the more stringent regulation
25 prevails. However, if one governmental entity requires a plat to be
26 filed for the subdivision of a particular tract of land in the
27 extraterritorial jurisdiction of the municipality and the other

1 governmental entity does not require the filing of a plat for that
2 subdivision, the authority responsible for approving plats for the
3 governmental entity that does not require the filing shall issue on
4 request of the subdivider a written certification stating that a
5 plat is not required to be filed for that subdivision of the land.
6 The certification must be attached to a plat required to be filed
7 under this subsection.

8 SECTION 2. Section 242.0015(a), Local Government Code, is
9 amended to read as follows:

10 (a) This section applies only to a county and a municipality
11 that are required to make an agreement as described under Section
12 242.001(f). Except as otherwise provided by this subsection, if
13 ~~if~~ a certified agreement between a county and a municipality with
14 an extraterritorial jurisdiction that extends 3.5 miles or more
15 from the corporate boundaries of the municipality is not in effect
16 on or before January 1, 2004, the parties must arbitrate the
17 disputed issues. If a certified agreement between a county
18 described by Section 242.001(a-1) and a municipality located in
19 that county with an extraterritorial jurisdiction that extends 3.5
20 miles or more from the corporate boundaries of the municipality is
21 not in effect on or before January 1, 2018, the parties must
22 arbitrate the disputed issues. Except as otherwise provided by this
23 subsection, if ~~if~~ a certified agreement between a county and a
24 municipality with an extraterritorial jurisdiction that extends
25 less than 3.5 miles from the corporate boundaries of the
26 municipality is not in effect on or before January 1, 2006, the
27 parties must arbitrate the disputed issues. If a certified

1 agreement between a county described by Section 242.001(a-1) and a
2 municipality located in that county with an extraterritorial
3 jurisdiction that extends less than 3.5 miles from the corporate
4 boundaries of the municipality is not in effect on or before January
5 1, 2020, the parties must arbitrate the disputed issues. A party
6 may not refuse to participate in arbitration requested under this
7 section. An arbitration decision under this section is binding on
8 the parties.

9 SECTION 3. Section 242.003, Local Government Code, is
10 repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.