

Amend **HB 1929** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 212, Local Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. DEVELOPMENT AGREEMENTS AND RELEASE OF
EXTRATERRITORIAL JURISDICTION FOR CERTAIN AREAS

Sec. 212.201. DEVELOPMENT AGREEMENT BY PETITION. (a) A petition under this section may be filed only for an area of a municipality with a population of more than 790,000:

(1) that:

(A) is located in a subdivision that was developed with public infrastructure outside the boundaries of the municipality; and

(B) was subject to a change in the provider of fire suppression and emergency medical services after annexation for full purposes that led to a degradation in the quality and level of those services, as determined by the petitioners; or

(2) that:

(A) is subject to a municipal determination by ordinance or resolution that the municipality cannot or has not in the past regularly and routinely provided full municipal services to the area; and

(B) was exempt from municipal taxation until full municipal services were provided, regardless of whether the ordinance or resolution is repealed or purported to be repealed.

(b) A person owning land wholly or partly located in an area described by Subsection (a) may file a petition requesting the municipality to:

(1) disannex the area from the municipality and include the area in the municipality's extraterritorial jurisdiction; and

(2) enter into a development agreement under Subchapter G for the area.

(c) The petition filed under Subsection (b) must:

(1) include the signatures of owners of at least 51 percent of the land in the area described by the petition;

(2) include a determination by the petitioners that:

(A) the municipal services provided by the municipality are not regular and routine; and

(B) the appropriate relief to the petitioners is to:

(i) be disannexed and included in the municipality's extraterritorial jurisdiction; and

(ii) be subject to a development agreement under Subchapter G; and

(3) if the land is located in a subdivision, request disannexation of all land in the subdivision that is located in the municipality.

(d) The municipality shall disannex from the municipality and include in the municipality's extraterritorial jurisdiction the area described by a petition filed under Subsection (b) not later than the 30th day after the date the municipality receives the petition.

(e) The municipality shall enter into a development agreement under Subchapter G with the petitioners filing a petition under Subsection (b). A development agreement under this section may only contain terms described by Section 212.172(b)(1). If the municipality does not enter into a mutually acceptable development agreement with the petitioners not later than the 90th day after the date the municipality receives the petition, the petitioners may record an affidavit in the deed records of the county in which the petitioners' land is located. If the affidavit is recorded in accordance with this subsection, the municipality:

(1) may not annex land for which an affidavit is recorded; and

(2) is not required to enter into a development agreement with the petitioners.

(f) This section expires September 1, 2023.

Sec. 212.202. RELEASE INSTEAD OF DEVELOPMENT AGREEMENT.

(a) Instead of entering into a development agreement under this chapter, an owner of land disannexed under Section 212.201 may file a written petition with the municipality that disannexed the land for the land to be released from the municipality's

extraterritorial jurisdiction if the land is at least five acres and contains not more than five residents.

(b) A petition requesting release under this section must:

(1) be signed by the owners of a majority in value of the land described by the petition, as indicated by the ad valorem tax records of the central appraisal district for the county in which the land is located; and

(2) include a determination that release from the municipality's extraterritorial jurisdiction is necessary or convenient to promote the development of public infrastructure instead of a development agreement.

(c) The municipality shall release from the municipality's extraterritorial jurisdiction the land described by a petition filed under Subsection (a) not later than the 30th day after the date the municipality receives the petition.

(d) This section does not apply to land:

(1) subject to a strategic partnership agreement under Section 43.0751; or

(2) that is located in an industrial district under Section 42.044.

Sec. 212.203. SUIT TO COMPEL; WAIVER OF GOVERNMENTAL IMMUNITY. (a) If a municipality fails to disannex or release land from the municipality's extraterritorial jurisdiction as required by this subchapter, the person filing the petition requesting the disannexation or release may bring an action against the municipality to compel the disannexation or release of the land. If the person prevails, the person may recover attorney's fees and court costs resulting from bringing the action.

(b) Governmental immunity to suit and from liability of the municipality is waived to the extent of liability created by this subchapter.