

By: Vasut

H.B. No. 3328

Substitute the following for H.B. No. 3328:

By: Burns

C.S.H.B. No. 3328

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties and municipalities to regulate certain subdivisions in a municipality's extraterritorial jurisdiction.

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

SECTION 1. Chapter 242, Local Government Code, is amended by adding Sections 242.0012 and 242.0013 to read as follows:

Sec. 242.0012. UNILATERAL AMENDMENT OF JURISDICTION AGREEMENT BY CERTAIN COUNTIES FOR CERTAIN PARCELS. (a) This section applies only to:

(1) a county that has a population of more than 370,000 and contains more than eight municipalities, each with a population of less than 2,000; and

(2) a parcel of land located in a county described by Subdivision (1) that:

(A) is greater than 10 acres in size or is platted as part of a phased development that is greater than 10 acres in size;

(B) is proposed to be subdivided into residential parcels, each less than one-half acre in size;

(C) is not subject to an agreement under Section 42.044; and

(D) is not subject to an annexation agreement with a municipality in which the municipality annexes the parcel

not later than the earlier of:

(i) the 20th anniversary of the date any bond for improvements to the parcel is issued by a municipal utility district; or

(ii) the 30th anniversary of the date the agreement is entered into.

(b) A county by order may amend an agreement entered into under Section 242.001(c) with a municipality to transfer exclusive jurisdiction to the county to regulate subdivision platting for a parcel subject to this section.

(c) Before a county may amend an agreement under Subsection (b), the county must:

(1) consult in person with a representative of the municipality that is a party to the agreement proposed to be amended; and

(2) provide the municipality with written notice of the county's intent to amend the agreement not later than the 90th day before the date the county amends the agreement.

(d) A county's authority under an amendment adopted under Subsection (b) applies only to a plat application filed on or after the date the county adopts the order under that subsection.

Sec. 242.0013. AMENDMENT BY ARBITRATION FOR AGREEMENTS WITH CERTAIN COUNTIES. (a) This section applies only to a county that has a population of more than 370,000 and contains more than eight municipalities, each with a population of less than 2,000.

(b) Except as provided by Subsection (c), a party to an agreement entered into under Section 242.001(c) may submit an

1 amendment to the agreement to binding arbitration. Except as
2 provided by Subsection (c), the other party to the agreement may
3 submit any other amendment to the agreement for consideration in
4 the same arbitration not later than the 30th day after the date the
5 other party receives notice of the arbitration.

6 (c) A party may not submit an amendment to arbitration under
7 this section if the amendment applies to a parcel of land to which
8 Section 242.0012 applies.

9 (d) Before submitting an amendment to an agreement to
10 arbitration under Subsection (b), the party that initiates the
11 arbitration shall consult in person with and provide written notice
12 not later than the 30th day before the date the arbitration is
13 initiated to:

14 (1) if the party is a county, a representative of the
15 municipality that is the other party to the agreement; or

16 (2) if the party is a municipality, a representative
17 of the county that is the other party to the agreement and each
18 other municipality in the county.

19 (e) Only one arbitration may be conducted under this section
20 every 10 years regarding the same agreement entered into under
21 Section 242.001(c).

22 (f) Sections 242.0015(b), (c), (e), (f), (g), and (h) apply
23 to an arbitration conducted under this section. The arbitrator or
24 arbitration panel, as applicable, must be selected not later than
25 the 30th day after the date a party provides notice under Subsection
26 (d).

27 (g) A county or municipality's authority under an amendment

1 submitted under Subsection (b) applies only to a plat application
2 filed on or after the date the arbitrator or arbitration panel, as
3 applicable, renders a decision under this section.

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