

By: Vasut

H.B. No. 3328

A BILL TO BE ENTITLED

AN ACT

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

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

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

(d-1) This subsection applies only to a county that has a population of more than 370,000 and contains more than ten municipalities with a population of less than 2,000. A county by order may terminate an agreement entered into under Subsection (c) with a municipality. If a county terminates such an agreement:

(1) the county has exclusive jurisdiction to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction of the municipality that was a party to the agreement and may regulate subdivisions in the extraterritorial jurisdiction under Sections 231.001-232.005, Subchapter B or C, Chapter 232, and other statutes applicable to the county for any area exceeding five acres proposed to be divided into more than five parcels unless subject to an agreement with a municipality to annex the area within 25 years from the date of the subdivision application;

(2) the municipality that was party to the agreement has exclusive jurisdiction to regulate subdivision plats and

1 approve related permits in its extraterritorial jurisdiction and
2 may regulate subdivisions in its extraterritorial jurisdiction
3 under Sections 231.001-232.005, Subchapter B or C, Chapter 232, and
4 other statutes applicable to the municipality for any subdivision
5 or area not subject to subdivision (1); and

6 (3) the county's and municipality's authority as
7 amended under this subsection applies only to an application
8 submitted on or after the date the county adopts the order to
9 terminate the agreement.

10 (f) Except as provided by Subsection (d-1), if ~~[If]~~ a
11 certified agreement between a county and municipality as required
12 by Subsection (c) is not in effect on or before the applicable date
13 prescribed by Section 242.0015(a), the municipality and the county
14 must enter into arbitration as provided by Section 242.0015. If the
15 arbitrator or arbitration panel, as applicable, has not reached a
16 decision in the 60-day period as provided by Section 242.0015, the
17 arbitrator or arbitration panel, as applicable, shall issue an
18 interim decision regarding the regulation of plats and subdivisions
19 and approval of related permits in the extraterritorial
20 jurisdiction of the municipality. The interim decision shall
21 provide for a single set of regulations and authorize a single
22 entity to regulate plats and subdivisions. The interim decision
23 remains in effect only until the arbitrator or arbitration panel
24 reaches a final decision.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2023.