

BILL ANALYSIS

Senate Research Center
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S.B. 1922
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

All Texas cities have extraterritorial jurisdiction ("ETJ") authority by statute. Since the inception of ETJs in 1963, municipalities have had a history of enacting certain regulations affecting the activities and structures that landowners may perform or construct in their ETJ. These regulations have led to protracted and expensive litigation adding to our already overburdened judicial system. Since ETJ residents are not permitted to vote in city elections, they do not have a voice in electing the officials who are ultimately enacting these regulations.

S.B. 1922 seeks to remedy this issue by noting that a municipality may not regulate an activity structure in an area in which the residents are ineligible or have only limited eligibility to vote in the municipal elections. This bill is not a blanket prohibition on the ability of municipalities to regulate in their ETJ as it provides exceptions by which municipalities may still regulate some activities and structures that are necessary for general health, safety, and welfare of landowners. This allows cities to continue regulating certain enumerated activities and structures in their ETJ but will ensure that cities do not exceed their regulatory authority and interfere with the private property rights of the ETJ residents.

As proposed, S.B. 1922 amends current law relating to restrictions on municipal regulation in certain areas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 42, Local Government Code, by adding Section 42.905, as follows:

RESTRICTION ON MUNICIPAL REGULATION IN CERTAIN AREAS. Prohibits a municipality, notwithstanding any other law, from regulating an activity or structure in an area in which the residents are ineligible or have only limited eligibility to vote in municipal elections, except that a municipality has authority to regulate activities and structures in such area under the following provisions:

- (a) Section 364.0341 (Solid Waste Disposal Services in Extraterritorial Jurisdiction of Certain Municipalities), Health and Safety Code;
- (b) Section 713.009 (Local Possession and Control of Unkept or Abandoned Cemetery), Health and Safety Code;
- (c) Section 212.002 (Rules), Local Government Code;
- (d) Section 212.003 (Extension of Rules to Extraterritorial Jurisdiction), Local Government Code;
- (e) Section 215.003 (Rendering Plants), Local Government Code;

- (f) Section 217.042 (Nuisance), Local Government Code;
- (g) Section 251.001 (Right of Eminent Domain), Local Government Code;
- (h) Section 331.001 (General Authority), Local Government Code;
- (i) Section 341.903 (Authority of Home-Rule Municipality to Police Municipally Owned Property Outside Municipality), Local Government Code;
- (j) Section 372.003 (Authorized Improvements), Local Government Code;
- (k) Section 377.002 (Scope), Local Government Code;
- (l) Section 380.001 (Economic Development Programs), Local Government Code;
- (m) Section 382.109 (Road Projects), Local Government Code;
- (n) Section 395.011 (Authorization of Fee), Local Government Code;
- (o) Section 551.002 (Protection of Streams and Watersheds by Home-Rule Municipality), Local Government Code;
- (p) Section 552.001 (Municipal Utility Systems; General Powers), Local Government Code;
- (q) Section 351.0025 (Extraterritorial Jurisdiction), Tax Code; and
- (r) Section 26.177 (Water Pollution Control Duties of Cities), Water Code.

SECTION 2. Effective date: September 1, 2021.