

BILL ANALYSIS

C.S.H.B. 3417
By: Toth
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that it is unclear which state laws provide authority for municipal regulation in the extraterritorial jurisdiction of a municipality. C.S.H.B. 3417 seeks to address these concerns by considering an ordinance of certain municipalities to be otherwise authorized by state law to be extended into the municipality's extraterritorial jurisdiction under a certain condition.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3417 amends the Local Government Code to consider an ordinance of a municipality wholly or partly located in a county with a population of more than 500,000 to be otherwise authorized by state law to be extended into the municipality's extraterritorial jurisdiction only if state law explicitly authorizes the specific municipal ordinance to be extended.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3417 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision specifying that a governing body of a municipality is prohibited from regulating certain land uses by extending a municipal ordinance into the municipality's extraterritorial jurisdiction unless state law explicitly authorizes the extension of a specific municipal ordinance. The substitute includes a provision considering an ordinance of a municipality wholly or partly located in a county with a population of more than 500,000 to be otherwise authorized by state law to be extended into the municipality's extraterritorial jurisdiction only if state law explicitly authorizes the specific municipal ordinance to be extended.