

- SUBJECT:** Restricting municipal regulation in certain extraterritorial jurisdictions
- COMMITTEE:** Land and Resource Management — committee substitute recommended
- VOTE:** 6 ayes — Deshotel, Leman, Biedermann, Burrows, Craddick, Spiller
3 nays — Romero, Rosenthal, Thierry
- WITNESSES:** For — Adrian Arriaga; Dan Gus; Doug Hamrick; (*Registered, but did not testify*: Bill Kelly, Mayor's Office, City of Houston; Jeremy Fuchs, Texas and Southwestern Cattle Raisers Association; Ned Muñoz, Texas Association of Builders; Charlie Leal, Texas Farm Bureau; and 26 individuals)

Against — (*Registered, but did not testify*: Christine Wright, City of San Antonio; Sarah Tober, Scenic Texas; Monty Wynn, Texas Municipal League; Julie Wheeler, Travis County Commissioners Court)
- BACKGROUND:** Local Government Code ch. 42 governs extraterritorial jurisdictions (ETJ), which are areas nearby or adjacent to municipalities.

Concerns have been raised that some municipalities have overreached in regulating activities and structures in their extraterritorial jurisdictions. Some have called for the Legislature to prohibit municipalities from exceeding their regulatory authority and interfering with private property rights of ETJ residents.
- DIGEST:** CSHB 1885 would prohibit a municipality from regulating an activity or structure in an area in which the residents were ineligible or had only limited eligibility to vote in municipal elections.

The bill would not apply to municipal regulation under certain provisions related to:
- fire hydrant flow standards;
 - solid waste disposal services;

- possession and control of unkept or abandoned cemeteries;
- rules governing plats and subdivisions of land;
- rendering plants, dairies, and slaughterhouses;
- the prevention and removal of nuisances;
- eminent domain;
- property acquisition and policing;
- park, museum, and historical site acquisition and maintenance;
- home-rule municipal policing authority;
- public improvement projects;
- municipal development districts;
- economic development programs;
- road projects;
- commercial and industrial development zones;
- financing of certain capital improvements;
- protection of streams and watersheds;
- protection of playa lakes;
- restrictions on pumping, extraction, or use of groundwater;
- irrigation systems and water conservation;
- utility systems;
- beach access;
- hotel occupancy taxes;
- water pollution control; and
- certain loan and brokerage corporations.

The bill would take effect September 1, 2021.