

By: Schofield

H.B. No. 443

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the extraterritorial jurisdiction of certain
3 municipalities.

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

5 SECTION 1. Section 42.021, Local Government Code, is
6 amended by adding Subsection (e) to read as follows:

7 (e) This subsection applies only to a municipality with a
8 population of 1.8 million or more. For the purpose of determining
9 the extraterritorial jurisdiction of a municipality to which this
10 subsection applies, only the territory of the municipality within
11 the defined boundaries of the municipality that is receiving full
12 municipal police and fire protection services is considered to be
13 within the corporate boundaries of the municipality. The
14 extraterritorial jurisdiction of the municipality is the
15 unincorporated area that is located within five miles of the
16 corporate boundaries of the municipality as determined under this
17 subsection, provided that the unincorporated area is contiguous to
18 the defined boundaries of the municipality and not within the
19 extraterritorial jurisdiction of another municipality.

20 SECTION 2. Section 42.022, Local Government Code, is
21 amended by adding Subsection (e) to read as follows:

22 (e) This section does not apply to a municipality with a
23 population of 1.8 million or more.

24 SECTION 3. Section 42.023, Local Government Code, is

1 amended to read as follows:

2 Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION.

3 The extraterritorial jurisdiction of a municipality may not be
4 reduced unless the governing body of the municipality gives its
5 written consent by ordinance or resolution, except:

6 (1) in cases of judicial apportionment of overlapping
7 extraterritorial jurisdictions under Section 42.901;

8 (2) in accordance with an agreement under Section
9 42.022(d); ~~or~~

10 (3) as necessary to comply with Section 42.0235; or

11 (4) as provided by Section 42.021(e).

12 SECTION 4. Section 42.041(e), Local Government Code, is
13 amended to read as follows:

14 (e) This section applies only to the proposed
15 municipality's area located in the extraterritorial jurisdiction
16 of an [the] existing municipality with a population of less than 1.8
17 million.

18 SECTION 5. Section 42.902, Local Government Code, is
19 amended to read as follows:

20 Sec. 42.902. RESTRICTION AGAINST IMPOSING TAX IN
21 EXTRATERRITORIAL JURISDICTION. (a) The inclusion of an area in the
22 extraterritorial jurisdiction of a municipality does not by itself
23 authorize the municipality to impose a tax in the area.

24 (b) A municipality with a population of 1.8 million or more
25 may not impose a tax in the extraterritorial jurisdiction of the
26 municipality unless:

27 (1) the municipality is otherwise authorized by law to

1 impose the tax in the extraterritorial jurisdiction; and

2 (2) the municipality provides police and fire
3 protection services within the extraterritorial jurisdiction.

4 SECTION 6. This Act takes effect September 1, 2023.