

## **BILL ANALYSIS**

H.B. 1388  
By: Hopson  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Local Government Code determines the extraterritorial jurisdiction (ETJ) of a municipality, governs the extension of municipal rules to the ETJ, and prohibits a municipality, unless otherwise authorized by state law, from regulating certain land use, structures, businesses, and related activities in the ETJ. The law does not currently address the regulation of trees or vegetation in the ETJ. The city of San Antonio enforces its tree ordinance in its ETJ, an action that was upheld by an appeals court ruling. H.B.1388 prohibits municipalities from regulating the planting, clearing, or harvesting of trees or vegetation or other uses of trees or vegetation on a particular tract of land in the municipality's ETJ.

### **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**

H.B. 1388 amends the Local Government Code to add the planting, clearing, or harvesting of trees or vegetation or other uses of trees or vegetation on a particular tract of land to the land use, structures, businesses, and related activities in the extraterritorial jurisdiction of a municipality that a municipality is prohibited from regulating unless otherwise authorized by state law.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.