

1-1 By: Nichols S.B. No. 732
1-2 (In the Senate - Filed February 16, 2011;
1-3 February 23, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; April 4, 2011, reported favorably by
1-5 the following vote: Yeas 3, Nays 1; April 4, 2011, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the prohibition of certain regulations by a
1-10 municipality in its extraterritorial jurisdiction involving trees
1-11 and vegetation.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 212.003, Local
1-14 Government Code, is amended to read as follows:

1-15 (a) The governing body of a municipality by ordinance may
1-16 extend to the extraterritorial jurisdiction of the municipality the
1-17 application of municipal ordinances adopted under Section 212.002
1-18 and other municipal ordinances relating to access to public roads
1-19 or the pumping, extraction, and use of groundwater by persons other
1-20 than retail public utilities, as defined by Section 13.002, Water
1-21 Code, for the purpose of preventing the use or contact with
1-22 groundwater that presents an actual or potential threat to human
1-23 health. However, unless otherwise authorized by state law, in its
1-24 extraterritorial jurisdiction a municipality shall not regulate:

1-25 (1) the use of any building or property for business,
1-26 industrial, residential, or other purposes;

1-27 (2) the bulk, height, or number of buildings
1-28 constructed on a particular tract of land;

1-29 (3) the size of a building that can be constructed on a
1-30 particular tract of land, including without limitation any
1-31 restriction on the ratio of building floor space to the land square
1-32 footage;

1-33 (4) the number of residential units that can be built
1-34 per acre of land; ~~or~~

1-35 (5) the size, type, or method of construction of a
1-36 water or wastewater facility that can be constructed to serve a
1-37 developed tract of land if:

1-38 (A) the facility meets the minimum standards
1-39 established for water or wastewater facilities by state and federal
1-40 regulatory entities; and

1-41 (B) the developed tract of land is:
1-42 (i) located in a county with a population of
1-43 2.8 million or more; and

1-44 (ii) served by:
1-45 (a) on-site septic systems
1-46 constructed before September 1, 2001, that fail to provide adequate
1-47 services; or

1-48 (b) on-site water wells constructed
1-49 before September 1, 2001, that fail to provide an adequate supply of
1-50 safe drinking water; or

1-51 (6) the planting, clearing, or harvesting of trees or
1-52 vegetation or other uses of trees or vegetation on a particular
1-53 tract of land.

1-54 SECTION 2. This Act takes effect immediately if it receives
1-55 a vote of two-thirds of all the members elected to each house, as
1-56 provided by Section 39, Article III, Texas Constitution. If this
1-57 Act does not receive the vote necessary for immediate effect, this
1-58 Act takes effect September 1, 2011.

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