

## **BILL ANALYSIS**

C.S.S.B. 422  
By: Campbell  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns that certain municipalities may impose fines and fees on residents in the extraterritorial jurisdiction of the municipality even when the area has been disannexed or an annexation attempt has failed in an election. C.S.S.B. 422 seeks to promote the rights of citizens and protect the will of voters by prohibiting municipalities from imposing fines and fees in certain extraterritorial jurisdiction areas.

### **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.S.B. 422 amends the Local Government Code to prohibit a municipality from imposing under a municipal ordinance a fine or fee on a person on the basis of:

- an activity that occurs wholly in an area that is located in a municipality's extraterritorial jurisdiction and that has been disannexed from the municipality or for which the municipality has attempted and failed to obtain consent for annexation under provisions applicable to a tier 2 municipality; or
- the management or ownership of property located wholly in such an area.

The bill does not limit a municipality, including a municipally owned retail water, wastewater, or drainage utility, from imposing in such an area a fine or fee, including through the adoption and enforcement of rates, for water, sewer, drainage, or other related utility services and does not apply to development or redevelopment in an area in which an election was held relating to the annexation of an area near a military base.

### **EFFECTIVE DATE**

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

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 422 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include a provision exempting from the bill's provisions a regulation or compatible development standard adopted by a regional military sustainability commission.

The substitute includes provisions establishing that the bill does not limit a municipality, including a municipally owned retail water, wastewater, or drainage utility, from imposing in an applicable area a fine or fee, including through the adoption and enforcement of rates, for water, sewer, drainage, or other related utility services and does not apply to development or redevelopment in an area in which an election was held relating to the annexation of an area near a military base.