

BILL ANALYSIS

Senate Research Center
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S.B. 422
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, certain municipalities may impose fines and fees on residents in their extraterritorial jurisdiction (ETJ) even when the area has been disannexed or the voters rejected an attempt to govern them through a municipal annexation election required by recent changes to state law. S.B. 422 promotes the rights of citizens and protects the will of voters by prohibiting municipalities from imposing fines and fees in the ETJ of an area that has either been disannexed or where an annexation attempt has failed at the ballot box.

As proposed, S.B. 422 amends current law relating to the authority of a municipality to impose a fine or fee in certain areas in the municipality's extraterritorial jurisdiction.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 42, Local Government Code, by adding Section 42.9025, as follows:

Sec. 42.0925. RESTRICTION ON IMPOSING FEE OR FINE IN CERTAIN AREAS IN EXTRATERRITORIAL JURISDICTION. (a) Provides that this section applies only to an area located in a municipality's extraterritorial jurisdiction and:

(1) that has been disannexed from the municipality under Subchapter G (Disannexation), Chapter 43; or

(2) for which the municipality has attempted and failed to obtain consent for annexation under Subchapter C-4 (Annexation of Areas with Population of Less Than 200: Tier 2 Municipalities) or C-5 (Annexation of Areas with Population of At Least 200: Tier 2 Municipalities), Chapter 43.

(b) Prohibits a municipality, notwithstanding any other law, from imposing under a municipal ordinance a fine or fee on a person on the basis of:

(1) an activity that occurs wholly in an area described by Subsection (a); or

(2) the management or ownership of property located wholly in an area described by Subsection (a).

SECTION 2. Effective date: upon passage or September 1, 2019.