86R32218 SCL-D

By:  Campbell, et al. S.B. No. 422

(Bell of Montgomery)

Substitute the following for S.B. No. 422:

By:  Craddick C.S.S.B. No. 422

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality to impose a fine or fee in certain areas in the municipality's extraterritorial jurisdiction.

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

SECTION 1.  Subchapter Z, Chapter 42, Local Government Code, is amended by adding Section 42.9025 to read as follows:

Sec. 42.9025.  RESTRICTION ON IMPOSING FINE OR FEE IN CERTAIN AREAS IN EXTRATERRITORIAL JURISDICTION. (a) This section applies only to an area that is located in a municipality's extraterritorial jurisdiction and:

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

(2)  for which the municipality has attempted and failed to obtain consent for annexation under Subchapter C-4 or C-5, Chapter 43.

(b)  Notwithstanding any other law, a municipality may not impose 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).

(c)  This section does not limit a municipality, including a municipally owned retail water, wastewater, or drainage utility, from imposing in an area described by Subsection (a) a fine or fee, including through the adoption and enforcement of rates, for water, sewer, drainage, or other related utility services.

(d)  This section does not apply to development or redevelopment in an area in which an election was held under Section 43.0117.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.