

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Kuempel, Stickland

H.B. No. 3750

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain municipal ordinances in the municipality's extraterritorial jurisdiction.

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

SECTION 1. Section 212.003, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other law, a municipality may not enforce in its extraterritorial jurisdiction a municipal ordinance, regulation, or other measure that imposes cut and fill depth requirements or other water quality regulations on a project that are more stringent than the applicable minimum state and federal water quality requirements unless the project is located in an area that is an aquifer recharge or contributing zone, or in the drainage basin of a river designated by the Texas Commission on Environmental Quality as having high or exceptional aquatic life use in the Texas Surface Water Quality Standards.

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.

ADOPTED

MAY 22 2019

*Detay Spay*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Schuman*

1 Amend H.B. No. 3750 (senate committee printing) in SECTION 1  
2 of the bill, in added Section 212.003(d), Local Government Code  
3 (page 1, lines 29-32), by striking ", or in the drainage basin of a  
4 river designated by the Texas Commission on Environmental Quality  
5 as having high or exceptional aquatic life use in the Texas Surface  
6 Water Quality Standards".

ADOPTED

MAY 22 2019

FLOOR AMENDMENT NO. 2

*Letay Spaul*  
Secretary of the Senate

BY:

*N Campbell*

1 Amend H.B. No. 3750 (senate committee printing) by adding the  
2 following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

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

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

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

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

15 (b) Notwithstanding any other law, a municipality may not  
16 impose under a municipal ordinance a fine or fee on a person on  
17 the basis of:

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

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

22 (c) This section does not limit a municipality from adopting  
23 and enforcing rates, fines, and fees for retail water, wastewater,  
24 or drainage utility services provided to the area described by  
25 Subsection (a).

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3750** by Kuempel (Relating to the applicability of certain municipal ordinances in the municipality's extraterritorial jurisdiction.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to prohibit certain fees or fines for areas within the extraterritorial jurisdiction of a municipality that have been disannexed or that have been subject to a failed annexation attempt.

The bill would amend the Local Government Code to prohibit certain municipalities from enforcing an ordinance in an extra-territorial jurisdiction that imposes certain water quality regulations.

**Local Government Impact**

According to the Texas Municipal League, the fiscal implications of the bill cannot be determined at this time.

**Source Agencies:**

**LBB Staff:** WP, AF, SD, GP, SZ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3750** by Kuempel (Relating to the applicability of certain municipal ordinances in the municipality's extraterritorial jurisdiction.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to prohibit certain municipalities from enforcing an ordinance in an extra-territorial jurisdiction that imposes certain water quality regulations.

**Local Government Impact**

According to the Texas Municipal League, the fiscal implications of the bill cannot be determined at this time.

**Source Agencies:**

**LBB Staff:** WP, AF, SD, GP, SZ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 8, 2019**

**TO:** Honorable Tom Craddick, Chair, House Committee on Land & Resource Management

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3750** by Kuempel (Relating to the applicability of certain municipal ordinances in the municipality's extraterritorial jurisdiction.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to prohibit a municipality from extending into an extra-territorial jurisdiction an ordinance that imposes certain water quality regulations.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:**

**LBB Staff:** WP, SZ, SD, GP