

House Bill 3750
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

SECTION __. 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 from adopting and enforcing rates, fines, and fees for retail water, wastewater, or drainage utility services provided to the area described by Subsection (a).

(d) This section does not apply to development or redevelopment in an area in which an election was held under Section 43.0117. [FA2]

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

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(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.

SENATE VERSION (IE)

(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. [FA1]

SECTION 2. Same as House version.

CONFERENCE