

## **BILL ANALYSIS**

C.S.H.B. 1885  
By: Harris  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The concept of municipal extraterritorial jurisdiction (ETJ) in Texas came into being when the legislature enacted the Municipal Annexation Act in the 1960s. In designating areas as ETJ, the legislature intended to promote and protect the general health, safety, and welfare of persons residing in and adjacent to municipalities. However, there is concern that municipalities often overreach in regulating activities and structures in their ETJ, which has led to protracted and expensive litigation that has clogged our already overburdened judicial system. C.S.H.B. 1885 seeks to address this issue by prohibiting a municipality from regulating an activity or structure in certain areas in order to ensure that municipalities do not exceed their regulatory authority and interfere with the private property rights of ETJ residents.

### **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.H.B. 1885 amends the Local Government Code to prohibit a municipality from regulating an activity or structure in an area in which the residents are ineligible or have only limited eligibility to vote in municipal elections. The prohibition does not apply to municipal regulation of an activity or structure relating to the following:

- fire hydrant flow standards;
- solid waste disposal services;
- possession and control of unkept or abandoned cemeteries;
- regulation of subdivisions;
- development plats of land;
- rendering plants;
- dairies and slaughterhouses;
- prevention, abatement, and removal of nuisances;
- eminent domain, including eminent domain relating to a municipally owned water system;
- property acquisition and policing;
- park, museum, and historic site acquisition and maintenance;
- home-rule municipality policing authority;
- public improvement projects;
- municipal development districts;
- economic development programs;

- road projects;
- commercial and industrial development zones;
- financing of certain capital improvements;
- protection of streams and watersheds;
- protection of playa lakes;
- restrictions on pumping, extraction, or use of groundwater;
- irrigation systems;
- water conservation by a home-rule municipality;
- utility systems;
- beach access;
- imposition of hotel occupancy taxes by certain municipalities;
- water pollution control; and
- regulation of certain loan and brokerage corporations.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1885 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes exceptions to the prohibition against a municipality regulating an activity or structure in an area in which the residents are ineligible or have only limited eligibility to vote in municipal elections related to the following:

- fire hydrant flow standards;
- development plats of land;
- dairies and slaughterhouses;
- regulation of subdivisions;
- property acquisition and policing;
- commercial and industrial development zones;
- protection of playa lakes;
- restrictions on pumping, extraction, or use of groundwater;
- irrigation systems;
- water conservation by a home-rule municipality;
- use of eminent domain relating to a municipally owned water system;
- beach access; and
- regulation of certain loan and brokerage corporations.