

By: Bettencourt

S.B. No. 1509

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality to regulate within its extraterritorial jurisdiction.

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

ARTICLE 1. MUNICIPAL REGULATION IN EXTRATERRITORIAL JURISDICTION

PROHIBITED

SECTION 1.01. Subchapter A, Chapter 51, Local Government Code, is amended by adding Section 51.004 to read as follows:

Sec. 51.004. AUTHORITY TO REGULATE IN EXTRATERRITORIAL JURISDICTION. (a) Notwithstanding any other law and except as provided by Subsection (b), a municipality may not adopt or enforce an ordinance, rule, or other measure that regulates the municipality's extraterritorial jurisdiction.

(b) This section may not be construed to prohibit a municipality from providing municipal services to a resident of the municipality's extraterritorial jurisdiction on agreement between the municipality and resident.

ARTICLE 2. REGULATORY CONFORMING AMENDMENTS

SECTION 2.01. Section 42.044(b), Local Government Code, is amended to read as follows:

(b) The governing body of a municipality may designate any part of its extraterritorial jurisdiction as an industrial district ~~[and may treat the designated area in a manner considered by the governing body to be in the best interests of the municipality].~~

1 SECTION 2.02. Section 43.063(e), Local Government Code, is
2 amended to read as follows:

3 (e) This subsection applies only to a home-rule
4 municipality. If applicable, the notice for each hearing must
5 include:

6 (1) a statement that the completed annexation of the
7 area will expand the municipality's extraterritorial jurisdiction;

8 (2) a description of the area that would be newly
9 included in the municipality's extraterritorial jurisdiction; and

10 (3) a statement of the purpose of extraterritorial
11 jurisdiction designation as provided by Section 42.001[~~, and~~

12 [~~(4) a brief description of each municipal ordinance~~
13 ~~that would be applicable, as authorized by Section 212.003, in the~~
14 ~~area that would be newly included in the municipality's~~
15 ~~extraterritorial jurisdiction].~~

16 SECTION 2.03. Section 212.004(a), Local Government Code, is
17 amended to read as follows:

18 (a) The owner of a tract of land located within the limits
19 [~~or in the extraterritorial jurisdiction]~~ of a municipality who
20 divides the tract in two or more parts to lay out a subdivision of
21 the tract, including an addition to a municipality, to lay out
22 suburban, building, or other lots, or to lay out streets, alleys,
23 squares, parks, or other parts of the tract intended by the owner of
24 the tract to be dedicated to public use must have a plat of the
25 subdivision prepared. A division of a tract under this subsection
26 includes a division regardless of whether it is made by using a
27 metes and bounds description in a deed of conveyance or in a

1 contract for a deed, by using a contract of sale or other executory
2 contract to convey, or by using any other method. A division of
3 land under this subsection does not include a division of land into
4 parts greater than five acres, where each part has access and no
5 public improvement is being dedicated.

6 SECTION 2.04. Section 212.010(a), Local Government Code, is
7 amended to read as follows:

8 (a) The municipal authority responsible for approving plats
9 shall approve a plat if:

10 (1) it conforms to the general plan of the
11 municipality and its current and future streets, alleys, parks,
12 playgrounds, and public utility facilities;

13 (2) it conforms to the general plan for the extension
14 of the municipality and its roads, streets, and public highways
15 within the municipality [~~and in its extraterritorial~~
16 ~~jurisdiction~~], taking into account access to and extension of sewer
17 and water mains and the instrumentalities of public utilities;

18 (3) a bond required under Section 212.0106, if
19 applicable, is filed with the municipality; and

20 (4) it conforms to any rules adopted under Section
21 212.002.

22 SECTION 2.05. Section 212.0115(a), Local Government Code,
23 is amended to read as follows:

24 (a) For the purposes of this section, land is considered to
25 be within the jurisdiction of a municipality if the land is located
26 within the limits [~~or in the extraterritorial jurisdiction~~] of the
27 municipality.

1 SECTION 2.06. Section 212.0146(a), Local Government Code,
2 is amended to read as follows:

3 (a) This section applies only to a replat of a subdivision
4 or a part of a subdivision located in a municipality [~~or the~~
5 ~~extraterritorial jurisdiction of a municipality~~] with a population
6 of 1.4 million or more.

7 SECTION 2.07. Section 212.015(b), Local Government Code, is
8 amended to read as follows:

9 (b) Notice of the hearing required under Subsection (a-1)
10 shall be given before the 15th day before the date of the hearing
11 by:

12 (1) publication in an official newspaper or a
13 newspaper of general circulation in the county in which the
14 municipality is located; and

15 (2) [~~by~~] written notice, with a copy of Subsection (c)
16 attached, forwarded by the municipal authority responsible for
17 approving plats to the owners of lots that are in the original
18 subdivision and that are within 200 feet of the lots to be
19 replatted, as indicated on the most recently approved municipal tax
20 roll [~~or in the case of a subdivision within the extraterritorial~~
21 ~~jurisdiction, the most recently approved county tax roll of the~~
22 ~~property upon which the replat is requested~~]. The written notice
23 may be delivered by depositing the notice, properly addressed with
24 postage prepaid, in a post office or postal depository within the
25 boundaries of the municipality.

26 SECTION 2.08. Section 212.0155(a), Local Government Code,
27 is amended to read as follows:

1 (a) This section applies to land located wholly or partly:

2 (1) in the corporate boundaries of a municipality if
3 the municipality:

4 (A) has a population of more than 50,000; and

5 (B) is located wholly or partly in:

6 (i) a county with a population of more than
7 three million;

8 (ii) a county with a population of more than
9 400,000 that is adjacent to a county with a population of more than
10 three million; or

11 (iii) a county with a population of more
12 than 1.4 million:

13 (a) in which two or more
14 municipalities with a population of 300,000 or more are primarily
15 located; and

16 (b) that is adjacent to a county with
17 a population of more than two million; or

18 (2) in the corporate boundaries [~~or extraterritorial~~
19 ~~jurisdiction~~] of a municipality with a population of 1.9 million or
20 more.

21 SECTION 2.09. Section [212.044](#), Local Government Code, is
22 amended to read as follows:

23 Sec. 212.044. PLANS, RULES, AND ORDINANCES. After a public
24 hearing on the matter, the municipality may adopt general plans,
25 rules, or ordinances governing development plats of land within the
26 limits [~~and in the extraterritorial jurisdiction~~] of the
27 municipality to promote the health, safety, morals, or general

1 welfare of the municipality and the safe, orderly, and healthful
2 development of the municipality.

3 SECTION 2.10. Section 212.045(a), Local Government Code, is
4 amended to read as follows:

5 (a) Any person who proposes the development of a tract of
6 land located within the limits [~~or in the extraterritorial~~
7 ~~jurisdiction~~] of the municipality must have a development plat of
8 the tract prepared in accordance with this subchapter and the
9 applicable plans, rules, or ordinances of the municipality.

10 SECTION 2.11. Section 212.047, Local Government Code, is
11 amended to read as follows:

12 Sec. 212.047. APPROVAL OF DEVELOPMENT PLAT. The
13 municipality shall endorse approval on a development plat filed
14 with it if the plat conforms to:

15 (1) the general plans, rules, and ordinances of the
16 municipality concerning its current and future streets, sidewalks,
17 alleys, parks, playgrounds, and public utility facilities;

18 (2) the general plans, rules, and ordinances for the
19 extension of the municipality or the extension, improvement, or
20 widening of its roads, streets, and public highways within the
21 municipality [~~and in its extraterritorial jurisdiction~~], taking
22 into account access to and extension of sewer and water mains and
23 the instrumentalities of public utilities; and

24 (3) any general plans, rules, or ordinances adopted
25 under Section 212.044.

26 SECTION 2.12. Section 212.102(1), Local Government Code, is
27 amended to read as follows:

1 (1) "Affected area" means an area that is:

2 (A) in a municipality [~~or a municipality's~~
3 ~~extraterritorial jurisdiction~~];

4 (B) in a county other than the county in which a
5 majority of the territory of the municipality is located;

6 (C) within the boundaries of one or more school
7 districts other than the school district in which a majority of the
8 territory of the municipality is located; and

9 (D) within the area of or within 1,500 feet of the
10 boundary of an assessment road district in which there are two state
11 highways.

12 SECTION 2.13. Section 214.904(a), Local Government Code, is
13 amended to read as follows:

14 (a) This section applies only to a permit required by a
15 municipality to erect or improve a building or other structure in
16 the municipality [~~or its extraterritorial jurisdiction~~].

17 SECTION 2.14. Section 216.003(a), Local Government Code, is
18 amended to read as follows:

19 (a) Subject to the requirements of this subchapter, a
20 municipality may require the relocation, reconstruction, or
21 removal of any sign within its corporate limits [~~or~~
22 ~~extraterritorial jurisdiction~~].

23 SECTION 2.15. Section 216.004(a), Local Government Code, is
24 amended to read as follows:

25 (a) If a municipality requires the relocation,
26 reconstruction, or removal of a sign within its corporate limits
27 [~~or extraterritorial jurisdiction~~], the presiding officer of the

1 governing body of the municipality shall appoint a municipal board
2 on sign control. The board must be composed of:

3 (1) two real estate appraisers, each of whom must be a
4 member in good standing of a nationally recognized professional
5 appraiser society or trade organization that has an established
6 code of ethics, educational program, and professional
7 certification program;

8 (2) one person engaged in the sign business in the
9 municipality;

10 (3) one employee of the Texas Department of
11 Transportation who is familiar with real estate valuations in
12 eminent domain proceedings; and

13 (4) one architect or landscape architect licensed by
14 this state.

15 SECTION 2.16. Section [229.002](#), Local Government Code, is
16 amended to read as follows:

17 Sec. 229.002. REGULATION OF DISCHARGE OF WEAPON. A
18 municipality may not apply a regulation relating to the discharge
19 of firearms or other weapons [~~in the extraterritorial jurisdiction~~
20 ~~of the municipality or~~] in an area annexed by the municipality after
21 September 1, 1981, if the firearm or other weapon is:

22 (1) a shotgun, air rifle or pistol, BB gun, or bow and
23 arrow discharged:

24 (A) on a tract of land of 10 acres or more and
25 more than 150 feet from a residence or occupied building located on
26 another property; and

27 (B) in a manner not reasonably expected to cause

1 a projectile to cross the boundary of the tract; or

2 (2) a center fire or rim fire rifle or pistol of any
3 caliber discharged:

4 (A) on a tract of land of 50 acres or more and
5 more than 300 feet from a residence or occupied building located on
6 another property; and

7 (B) in a manner not reasonably expected to cause
8 a projectile to cross the boundary of the tract.

9 SECTION 2.17. Section 229.003(b), Local Government Code, is
10 amended to read as follows:

11 (b) Notwithstanding Section 229.002, a municipality may not
12 apply a regulation relating to the discharge of firearms or other
13 weapons [~~in the extraterritorial jurisdiction of the municipality~~
14 ~~or~~] in an area annexed by the municipality after September 1, 1981,
15 if the firearm or other weapon is:

16 (1) a shotgun, air rifle or pistol, BB gun, or bow and
17 arrow discharged:

18 (A) on a tract of land of 10 acres or more and:

19 (i) more than 1,000 feet from:

20 (a) the property line of a public
21 tract of land, generally accessible by the public, that is
22 routinely used for organized sporting or recreational activities or
23 that has permanent recreational facilities or equipment; and

24 (b) the property line of a school,
25 hospital, or commercial day-care facility;

26 (ii) more than 600 feet from:

27 (a) the property line of a residential

1 subdivision; and

2 (b) the property line of a multifamily
3 residential complex; and

4 (iii) more than 150 feet from a residence or
5 occupied building located on another property; and

6 (B) in a manner not reasonably expected to cause
7 a projectile to cross the boundary of the tract;

8 (2) a center fire or rim fire rifle or pistol of any
9 caliber discharged:

10 (A) on a tract of land of 50 acres or more and:

11 (i) more than 1,000 feet from:

12 (a) the property line of a public
13 tract of land, generally accessible by the public, that is
14 routinely used for organized sporting or recreational activities or
15 that has permanent recreational facilities or equipment; and

16 (b) the property line of a school,
17 hospital, or commercial day-care facility;

18 (ii) more than 600 feet from:

19 (a) the property line of a residential
20 subdivision; and

21 (b) the property line of a multifamily
22 residential complex; and

23 (iii) more than 300 feet from a residence or
24 occupied building located on another property; and

25 (B) in a manner not reasonably expected to cause
26 a projectile to cross the boundary of the tract; or

27 (3) discharged at a sport shooting range, as defined

1 by Section 250.001, in a manner not reasonably expected to cause a
2 projectile to cross the boundary of a tract of land.

3 SECTION 2.18. Section 229.004(b), Local Government Code, is
4 amended to read as follows:

5 (b) Notwithstanding Section 229.002, a municipality may not
6 apply a regulation relating to the discharge of firearms or other
7 weapons [~~in the extraterritorial jurisdiction of the municipality~~
8 ~~or~~] in an area annexed by the municipality on or before September 1,
9 1981, if the firearm or other weapon is:

10 (1) a shotgun, air rifle or pistol, BB gun, or bow and
11 arrow discharged:

12 (A) on a tract of land of 100 acres or more and
13 more than 150 feet from a residence or occupied building located on
14 another property; and

15 (B) in a manner not reasonably expected to cause
16 a projectile to cross the boundary of the tract; or

17 (2) a center fire or rim fire rifle or pistol of any
18 caliber discharged:

19 (A) on a tract of land of 100 acres or more and
20 more than 300 feet from a residence or occupied building located on
21 another property; and

22 (B) in a manner not reasonably expected to cause
23 a projectile to cross the boundary of the tract.

24 SECTION 2.19. Section 232.006(b), Local Government Code, is
25 amended to read as follows:

26 (b) If a county elects to operate under this section,
27 Section 232.005 does not apply to the county. The sections of this

1 chapter preceding Section 232.005 do apply to the county in the same
2 manner that they apply to other counties except that:

3 (1) they apply only to tracts of land located outside
4 municipalities [~~and the extraterritorial jurisdiction of~~
5 ~~municipalities, as determined under Chapter 42~~];

6 (2) the commissioners court of the county, instead of
7 having the powers granted by Sections 232.003(2) and (3), may:

8 (A) require a right-of-way on a street or road
9 that does not function as a main artery in the subdivision of not
10 less than 40 feet or more than 50 feet; and

11 (B) require that the street cut on a main artery
12 within the right-of-way be not less than 30 feet or more than 45
13 feet, and that the street cut on any other street or road within the
14 right-of-way be not less than 25 feet or more than 35 feet; and

15 (3) Section 232.004(5)(B) does not apply to the
16 county.

17 SECTION 2.20. Section 232.008(a), Local Government Code, is
18 amended to read as follows:

19 (a) This section applies only to real property located
20 outside municipalities [~~and the extraterritorial jurisdiction of~~
21 ~~municipalities, as determined under Chapter 42~~].

22 SECTION 2.21. Section 232.0085(a), Local Government Code,
23 is amended to read as follows:

24 (a) This section applies only to real property that [+
25 [~~1~~] is located in the unincorporated area of an
26 affected county, as defined by Section 16.341, Water Code, that:

27 (1) [~~A~~] has adopted the model rules developed under

1 Section 16.343, Water Code; and

2 (2) [~~(B)~~] is located along an international border[~~+~~
3 ~~and~~

4 [~~(2) if the area is located in the extraterritorial~~
5 ~~jurisdiction of a municipality, is not subject to a written~~
6 ~~agreement under Section 242.001 that authorizes the municipality to~~
7 ~~regulate subdivision plats and approve related permits in the~~
8 ~~extraterritorial jurisdiction].~~

9 SECTION 2.22. Section 232.009(a), Local Government Code, is
10 amended to read as follows:

11 (a) This section applies only to real property located
12 outside municipalities [~~and the extraterritorial jurisdiction of~~
13 ~~municipalities with a population of 1.5 million or more, as~~
14 ~~determined under Chapter 42].~~

15 SECTION 2.23. Section 232.0095(a), Local Government Code,
16 is amended to read as follows:

17 (a) This section applies only to real property located
18 outside municipalities [~~and outside the extraterritorial~~
19 ~~jurisdiction, as determined under Chapter 42, of municipalities~~
20 ~~with a population of 1.5 million or more].~~

21 SECTION 2.24. Section 232.022(c), Local Government Code, is
22 amended to read as follows:

23 (c) For [~~Except as provided by Subsection (c-1), for~~
24 purposes of this section, land is considered to be in the
25 jurisdiction of a county if the land is located in the county and
26 outside the corporate limits of municipalities.

27 SECTION 2.25. Section 232.028(g), Local Government Code, is

1 amended to read as follows:

2 (g) The commissioners court may impose a fee for a
3 certificate issued under this section for a subdivision which is
4 located in the county and not within the limits of a municipality.
5 The amount of the fee is ~~[may be the greater of]~~ \$30 ~~[or the amount~~
6 ~~of the fee imposed by the municipality for a subdivision that is~~
7 ~~located entirely in the extraterritorial jurisdiction of the~~
8 ~~municipality for a certificate issued under Section 212.0115]~~. [A
9 person who obtains a certificate under this section is not required
10 to obtain a certificate under Section 212.0115.]

11 SECTION 2.26. Section 232.029(p), Local Government Code, is
12 amended to read as follows:

13 (p) The commissioners court may impose a fee for a
14 certificate issued under this section for a subdivision which is
15 located in the county and not within the limits of a municipality.
16 The amount of the fee is ~~[may be the greater of]~~ \$30 ~~[or the amount~~
17 ~~of the fee imposed by the municipality for a subdivision that is~~
18 ~~located entirely in the extraterritorial jurisdiction of the~~
19 ~~municipality for a certificate issued under Section 212.0115]~~. [A
20 person who obtains a certificate under this section is not required
21 to obtain a certificate under Section 212.0115.]

22 SECTION 2.27. Section 351.143(a), Local Government Code, is
23 amended to read as follows:

24 (a) Before a jail facility is conveyed to a receiving
25 county, the district may make changes in or additions to the
26 facility if the board determines that the changes or additions are
27 necessary to:

1 (1) comply with the requirements of that county and,
2 if the facility is located within the jurisdiction of a
3 municipality, comply with the requirements of the municipality in
4 whose limits [~~or extraterritorial jurisdiction~~] the facility is
5 located; or

6 (2) adjust to circumstances or requirements that did
7 not exist at the time the original plans for the facility were
8 approved by the board.

9 SECTION 2.28. Sections [372.003](#)(a) and (d), Local Government
10 Code, are amended to read as follows:

11 (a) If the governing body of a municipality or county finds
12 that it promotes the interests of the municipality or county, the
13 governing body may undertake an improvement project that confers a
14 special benefit on a definable part of the municipality or county
15 [~~or the municipality's extraterritorial jurisdiction~~]. The
16 commissioners court of a county may undertake a project on a
17 definable part of a municipality's extraterritorial jurisdiction
18 that is located in the county. A project may be undertaken in the
19 municipality or county or the municipality's extraterritorial
20 jurisdiction.

21 (d) A county may establish a public improvement district
22 unless within 30 days of a county's action to approve such a
23 district, a home rule municipality objects to its establishment
24 within the municipality's corporate limits [~~or extraterritorial~~
25 ~~jurisdiction~~].

26 SECTION 2.29. Sections [375.0922](#)(a) and (b), Local
27 Government Code, are amended to read as follows:

1 (a) A road project must meet all applicable construction
2 standards, zoning and subdivision requirements, and regulations of
3 each municipality in whose corporate limits [~~or extraterritorial~~
4 ~~jurisdiction~~] the road project is located.

5 (b) If a road project is not located in the corporate limits
6 [~~or extraterritorial jurisdiction~~] of a municipality, the road
7 project must meet all applicable construction standards,
8 subdivision requirements, and regulations of each county in which
9 the road project is located.

10 SECTION 2.30. Section 375.304(a), Local Government Code, is
11 amended to read as follows:

12 (a) The governing body of a municipality by resolution or
13 ordinance may create an authority in an area that is:

14 (1) in the same county as a military installation or
15 facility that is:

16 (A) closed or realigned under the Defense Base
17 Closure and Realignment Act of 1990 (10 U.S.C. Section 2687 note)
18 and its subsequent amendments; or

19 (B) a base efficiency project as defined by
20 Section 379B.001; and

21 (2) in an area that has been annexed [~~or disannexed~~]
22 for full or limited purposes under Subchapter F, Chapter 43, by a
23 municipality with a population of at least 1.1 million [~~or is in the~~
24 ~~extraterritorial jurisdiction of a municipality with a population~~
25 ~~of at least 1.1 million and that has been annexed for limited~~
26 ~~purposes by the municipality under Subchapter F, Chapter 43]~~.

27 SECTION 2.31. Section 377.002, Local Government Code, is

1 amended to read as follows:

2 Sec. 377.002. SCOPE. [~~a~~] A municipality may create a
3 district as provided in this chapter in[+]

4 [~~1~~] all or part of the boundaries of the
5 municipality[+]

6 [~~2~~] ~~all or part of the boundaries of the municipality~~
7 ~~and all or part of the boundaries of the municipality's~~
8 ~~extraterritorial jurisdiction; or~~

9 [~~3~~] ~~all or part of the municipality's~~
10 ~~extraterritorial jurisdiction].~~

11 [~~b~~] ~~The municipality may include territory outside of the~~
12 ~~municipality only to the extent that territory is in the~~
13 ~~municipality's extraterritorial jurisdiction.]~~

14 SECTION 2.32. Section 377.021(g), Local Government Code, is
15 amended to read as follows:

16 (g) In the order calling the election, the municipality may
17 provide for the district boundaries to conform automatically to any
18 changes in the boundaries of the portion of the municipality [~~or the~~
19 ~~municipality's extraterritorial jurisdiction~~] included in the
20 district, and the election shall be held on one of the four uniform
21 election dates under Section 41.001, Election Code.

22 SECTION 2.33. Section 377.051(d), Local Government Code, is
23 amended to read as follows:

24 (d) To qualify to serve as a director, a person must reside
25 in the municipality that created the district [~~or in that~~
26 ~~municipality's extraterritorial jurisdiction~~]. An employee,
27 officer, or member of the governing body of the municipality may

1 serve as a director, but may not have a personal interest in a
2 contract executed by the district other than as an employee,
3 officer, or member of the governing body of the municipality.

4 SECTION 2.34. Sections 377.072(c) and (d), Local Government
5 Code, are amended to read as follows:

6 (c) Except as provided by Subsections (d) and (e), the
7 district may use money in the development project fund only to:

8 (1) pay the costs of planning, acquiring,
9 establishing, developing, constructing, or renovating one or more
10 development projects located[+]

11 [~~(A)~~] in the district; [~~or~~

12 [~~(B)~~ outside the district, if:

13 [~~(i)~~ the project is located in the
14 extraterritorial jurisdiction of the municipality that created the
15 district,

16 [~~(ii)~~ the board determines that the
17 development project will provide an economic benefit to the
18 district, and

19 [~~(iii)~~ the following entities, as
20 applicable, by resolution approve the development project:

21 [(a) the municipality that created
22 the district, and

23 [(b) each municipality in whose
24 corporate limits or extraterritorial jurisdiction the project is
25 located,]

26 (2) pay the principal of, interest on, and other costs
27 relating to bonds or other obligations issued by the district or to

1 refund bonds or other obligations; or

2 (3) pay the costs of operating or maintaining one or
3 more development projects during the planning, acquisition,
4 establishment, development, construction, or renovation or while
5 bonds or other obligations for the planning, acquisition,
6 establishment, development, construction, or renovation are
7 outstanding.

8 (d) A district located in a county with a population of 3.3
9 million or more may use money in the development project fund only
10 to:

11 (1) pay the costs of planning, acquiring,
12 establishing, developing, constructing, or renovating one or more
13 development projects beneficial to the district if the projects are
14 in the district boundaries [~~or the extraterritorial jurisdiction~~]
15 of the municipality where the district is located;

16 (2) pay the principal of, interest on, and other costs
17 relating to bonds or other obligations issued by the district or to
18 refund bonds or other obligations; or

19 (3) pay the costs of operating or maintaining one or
20 more development projects during the planning, acquisition,
21 establishment, development, construction, or renovation or while
22 bonds or other obligations for the planning, acquisition,
23 establishment, development, construction, or renovation are
24 outstanding.

25 SECTION 2.35. Section 380.001(a), Local Government Code, is
26 amended to read as follows:

27 (a) The governing body of a municipality may establish and

1 provide for the administration of one or more programs, including
2 programs for making loans and grants of public money and providing
3 personnel and services of the municipality, to promote state or
4 local economic development and to stimulate business and commercial
5 activity in the municipality. For purposes of this subsection, a
6 municipality includes an area that[+]

7 [~~(1)~~] has been annexed by the municipality for limited
8 purposes[~~, or~~

9 [~~(2) is in the extraterritorial jurisdiction of the~~
10 ~~municipality~~].

11 SECTION 2.36. Section 382.109(b), Local Government Code, is
12 amended to read as follows:

13 (b) A road project must meet all applicable construction
14 standards, zoning and subdivision requirements, and regulatory
15 ordinances of each municipality in whose corporate limits [~~or~~
16 ~~extraterritorial jurisdiction~~] the district is located. If the
17 district is located outside the corporate limits [~~extraterritorial~~
18 ~~jurisdiction~~] of a municipality, a road project must meet all
19 applicable construction standards, zoning and subdivision
20 requirements, and regulatory ordinances of each county in which the
21 district is located.

22 SECTION 2.37. Section 382.113(c), Local Government Code, is
23 amended to read as follows:

24 (c) Before a district may adopt an order adding or excluding
25 land, the district must obtain the consent of[+]

26 [~~(1)~~] the county that created the district by a
27 resolution of the county commissioners court[~~, and~~

1 ~~[(2) a municipality in whose extraterritorial~~
2 ~~jurisdiction the district is located by a resolution adopted by the~~
3 ~~municipality's governing body].~~

4 SECTION 2.38. Section 395.001(9), Local Government Code, is
5 amended to read as follows:

6 (9) "Service area" means the area within the corporate
7 boundaries ~~[or extraterritorial jurisdiction, as determined under~~
8 ~~Chapter 42,]~~ of the political subdivision to be served by the
9 capital improvements or facilities expansions specified in the
10 capital improvements plan, except roadway facilities and storm
11 water, drainage, and flood control facilities. The service area,
12 for the purposes of this chapter, may include all or part of the
13 land within the political subdivision ~~[or its extraterritorial~~
14 ~~jurisdiction]~~, except for roadway facilities and storm water,
15 drainage, and flood control facilities. For roadway facilities,
16 the service area is limited to an area within the corporate
17 boundaries of the political subdivision and shall not exceed six
18 miles. For storm water, drainage, and flood control facilities, the
19 service area may include all or part of the land within the
20 political subdivision ~~[or its extraterritorial jurisdiction]~~, but
21 shall not exceed the area actually served by the storm water,
22 drainage, and flood control facilities designated in the capital
23 improvements plan and shall not extend across watershed boundaries.

24 SECTION 2.39. Section 395.011(b), Local Government Code, is
25 amended to read as follows:

26 (b) Political subdivisions may enact or impose impact fees
27 on land within their corporate boundaries ~~[or extraterritorial~~

1 ~~jurisdictions]~~ only by complying with this chapter [~~, except that~~
2 ~~impact fees may not be enacted or imposed in the extraterritorial~~
3 ~~jurisdiction for roadway facilities]~~.

4 SECTION 2.40. Section 395.058(b), Local Government Code, is
5 amended to read as follows:

6 (b) The advisory committee is composed of not less than five
7 members who shall be appointed by a majority vote of the governing
8 body of the political subdivision. Not less than 40 percent of the
9 membership of the advisory committee must be representatives of the
10 real estate, development, or building industries who are not
11 employees or officials of a political subdivision or governmental
12 entity. If the political subdivision has a planning and zoning
13 commission, the commission may act as the advisory committee if the
14 commission includes at least one representative of the real estate,
15 development, or building industry who is not an employee or
16 official of a political subdivision or governmental entity. If no
17 such representative is a member of the planning and zoning
18 commission, the commission may still act as the advisory committee
19 if at least one such representative is appointed by the political
20 subdivision as an ad hoc voting member of the planning and zoning
21 commission when it acts as the advisory committee. [~~If the impact~~
22 ~~fee is to be applied in the extraterritorial jurisdiction of the~~
23 ~~political subdivision, the membership must include a~~
24 ~~representative from that area.]~~

25 SECTION 2.41. Section 397A.057, Local Government Code, is
26 amended to read as follows:

27 Sec. 397A.057. COORDINATION WITH OTHER PLANS AND

1 STUDIES. The compatible development standards and regulations
2 adopted under this subchapter must be coordinated with:

3 (1) the county plan for growth and development of the
4 participating county or a county located in the regional military
5 sustainability commission's territory; and

6 ~~(2) [the comprehensive plan of the participating~~
7 ~~municipality; and~~

8 ~~[(3)]~~ the most recent Joint Land Use Study, if the
9 commission makes a finding that the conclusions of the study
10 accurately reflect circumstances in the territory.

11 SECTION 2.42. Section [397A.107](#), Local Government Code, is
12 amended to read as follows:

13 Sec. 397A.107. COORDINATION WITH OTHER PLANS AND
14 STUDIES. The compatible development standards and regulations
15 adopted under this subchapter must be coordinated with:

16 (1) the county plan for growth and development of the
17 participating county or a county located in the regional military
18 sustainability commission's territory; and

19 ~~(2) [the comprehensive plan of the participating~~
20 ~~municipality; and~~

21 ~~[(3)]~~ the most recent Joint Land Use Study, if the
22 commission makes a finding that the conclusions of the study
23 accurately reflect circumstances in the territory.

24 SECTION 2.43. Section [507.103\(b\)](#), Local Government Code, is
25 amended to read as follows:

26 (b) Before exercising the power of eminent domain under this
27 chapter, a spaceport development corporation must obtain a

1 resolution approving the proposed condemnation from the governing
2 body of a county or municipality in which the property is located.
3 ~~[For purposes of this chapter, territory in the extraterritorial~~
4 ~~jurisdiction of a municipality is considered to be in the~~
5 ~~jurisdiction of the municipality.]~~

6 SECTION 2.44. Section 551.006(a), Local Government Code, is
7 amended to read as follows:

8 (a) A municipality with a population of 20,000 or more by
9 ordinance shall require an installer of an irrigation system:

10 (1) to hold a license issued under Section 1903.251,
11 Occupations Code; and

12 (2) to obtain a permit before installing a system
13 within the territorial limits ~~[or extraterritorial jurisdiction]~~
14 of the municipality.

15 SECTION 2.45. Section 551.007, Local Government Code, is
16 amended to read as follows:

17 Sec. 551.007. WATER CONSERVATION BY HOME-RULE
18 MUNICIPALITY. A home-rule municipality may adopt and enforce
19 ordinances requiring water conservation in the municipality ~~[and by~~
20 ~~customers of the municipality's municipally owned water and sewer~~
21 ~~utility in the extraterritorial jurisdiction of the municipality].~~

22 SECTION 2.46. Section 552.044(8), Local Government Code, is
23 amended to read as follows:

24 (8) "Service area" means the municipal boundaries and
25 any other land areas outside the municipal boundaries which, as a
26 result of topography or hydraulics, contribute overland flow into
27 the watersheds served by the drainage system of a municipality;

1 provided, however, that [~~in no event may~~] a service area may not
2 extend farther than the municipal boundaries [~~of a municipality's~~
3 ~~current extraterritorial jurisdiction~~], and [~~nor~~], except as
4 provided by Section 552.0451, [~~may~~] a service area of one
5 municipality may not extend into the boundaries of another
6 municipality. The service area is to be established in the
7 ordinance establishing the drainage utility. [~~Provided, that no~~
8 ~~municipality shall extend a service area outside of its municipal~~
9 ~~boundaries except:~~

10 [~~(A) a municipality of more than 500,000~~
11 ~~population located within 50 miles of an international border,~~

12 [~~(B) a municipality all or part of which is~~
13 ~~located over or within the Edwards Aquifer recharge zone or the~~
14 ~~Edwards Aquifer transition zone, as designated by the Texas Natural~~
15 ~~Resource Conservation Commission, or~~

16 [~~(C) as provided by Section 552.0451.~~]

17 SECTION 2.47. Section 552.045(e), Local Government Code, is
18 amended to read as follows:

19 (e) The municipality by ordinance may adopt and enforce
20 rules as it considers appropriate to operate the drainage utility
21 system. [~~Provided, however, that the prohibitions contained in~~
22 ~~Section 212.003(a) of the Local Government Code relating to~~
23 ~~quasi-zoning and other land use regulations in the extraterritorial~~
24 ~~jurisdiction of a municipality shall apply to any rule or ordinance~~
25 ~~adopted or enacted by the municipality under this Act, except that~~
26 ~~rates may be established using impervious cover measurements~~
27 ~~relating to land use and building size.]~~

1 SECTION 2.48. Section 552.0451(a), Local Government Code,
2 is amended to read as follows:

3 (a) A municipality with a population of more than 900,000
4 located in one or more counties with a population of less than 1.5
5 million as of the 1990 federal census may extend its service area~~+~~

6 ~~[(1)]~~ into the boundaries of another municipality if:

7 (1) ~~[(A)]~~ before the extension water from the
8 municipality to which the service area is to be extended regularly
9 drains into the drainage system of the municipality extending its
10 service area; and

11 (2) ~~[(B)]~~ the extension is provided for by an
12 interlocal agreement between the municipalities~~+, or~~

13 ~~[(2) beyond its municipal boundaries into an~~
14 ~~unincorporated area of its extraterritorial jurisdiction if:~~

15 ~~[(A) before the extension water from the area to~~
16 ~~which the service area is to be extended regularly drains into the~~
17 ~~drainage system of the municipality extending its service area; and~~

18 ~~[(B) the extension is provided for by an~~
19 ~~interlocal agreement between the municipality extending its~~
20 ~~service area and the county containing the area to which the service~~
21 ~~area is to be extended].~~

22 SECTION 2.49. Section 552.907(a), Local Government Code, is
23 amended to read as follows:

24 (a) This section applies only to territory located in a
25 municipality ~~[or in the extraterritorial jurisdiction of a~~
26 ~~municipality]~~ and located over the recharge zone of an aquifer that
27 provides all or part of the water supply of the municipality.

ARTICLE 3. REPEALER CONFORMING AMENDMENTS

SECTION 3.01. Section 43.052(f-1), Local Government Code, is amended to read as follows:

(f-1) In addition to the notice provided under Subsection (f), a home-rule municipality, before the 90th day after the date the municipality adopts or amends an annexation plan under this section, shall give written notice as provided by this subsection to each property owner in any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation. For purposes of this subsection, a property owner is the owner as indicated by the appraisal records furnished by the appraisal district for each county in which the area that would be newly included in the municipality's extraterritorial jurisdiction is located. The notice must include:

(1) a description of the area that has been included in the municipality's annexation plan;

(2) a statement that the completed annexation of that area will expand the municipality's extraterritorial jurisdiction to include all or part of the property owner's property; and

(3) a statement of the purpose of extraterritorial jurisdiction designation as provided by Section 42.001[~~, and~~

~~[(4) a brief description of each municipal ordinance that would be applicable, as authorized by Section 212.003, in the area that would be newly included in the municipality's extraterritorial jurisdiction].~~

SECTION 3.02. Section 43.0561(e), Local Government Code, is amended to read as follows:

1 (e) This subsection applies only to a home-rule
2 municipality. If applicable, the notice for each hearing must
3 include:

4 (1) a statement that the completed annexation of the
5 area will expand the municipality's extraterritorial jurisdiction;

6 (2) a description of the area that would be newly
7 included in the municipality's extraterritorial jurisdiction; and

8 (3) a statement of the purpose of extraterritorial
9 jurisdiction designation as provided by Section 42.001[~~, and~~

10 [~~(4) a brief description of each municipal ordinance~~
11 ~~that would be applicable, as authorized by Section 212.003, in the~~
12 ~~area that would be newly included in the municipality's~~
13 ~~extraterritorial jurisdiction].~~

14 SECTION 3.03. Section 43.063(e), Local Government Code, is
15 amended to read as follows:

16 (e) This subsection applies only to a home-rule
17 municipality. If applicable, the notice for each hearing must
18 include:

19 (1) a statement that the completed annexation of the
20 area will expand the municipality's extraterritorial jurisdiction;

21 (2) a description of the area that would be newly
22 included in the municipality's extraterritorial jurisdiction; and

23 (3) a statement of the purpose of extraterritorial
24 jurisdiction designation as provided by Section 42.001[~~, and~~

25 [~~(4) a brief description of each municipal ordinance~~
26 ~~that would be applicable, as authorized by Section 212.003, in the~~
27 ~~area that would be newly included in the municipality's~~

1 ~~extraterritorial jurisdiction]~~.

2 SECTION 3.04. Section 212.0085, Local Government Code, is
3 amended to read as follows:

4 Sec. 212.0085. APPROVAL PROCEDURE: APPLICABILITY. The
5 approval procedures under this subchapter apply to a municipality
6 regardless of whether the municipality has entered into an
7 interlocal agreement [~~, including an interlocal agreement between a~~
8 ~~municipality and county under Section 242.001(d)] .~~

9 SECTION 3.05. Section 212.904(a), Local Government Code, is
10 amended to read as follows:

11 (a) If a municipality requires [~~, including under an~~
12 ~~agreement under Chapter 242,~~] as a condition of approval for a
13 property development project that the developer bear a portion of
14 the costs of municipal infrastructure improvements by the making of
15 dedications, the payment of fees, or the payment of construction
16 costs, the developer's portion of the costs may not exceed the
17 amount required for infrastructure improvements that are roughly
18 proportionate to the proposed development as approved by a
19 professional engineer who holds a license issued under Chapter
20 1001, Occupations Code, and is retained by the municipality. The
21 municipality's determination shall be completed within thirty days
22 following the submission of the developer's application for
23 determination under this subsection.

24 SECTION 3.06. Section 216.015(a), Local Government Code, is
25 amended to read as follows:

26 (a) The legislature declares that it would not have enacted
27 the following without the inclusion of Section 216.010(a), to the

1 extent that provision excludes methods of compensation not
2 specifically authorized by that provision:

3 (1) this subchapter;

4 (2) ~~[Section 216.902,~~

5 ~~(3)]~~ Article 2, Chapter 221, Acts of the 69th
6 Legislature, Regular Session, 1985 (codified as Chapter 394,
7 Transportation Code); and

8 (3) ~~(4)]~~ the amendments made to Section 3, Property
9 Redevelopment and Tax Abatement Act (codified as Chapter 312, Tax
10 Code) by Article 4, Chapter 221, Acts of the 69th Legislature,
11 Regular Session, 1985.

12 SECTION 3.07. Section 232.0015(b), Local Government Code,
13 is amended to read as follows:

14 (b) This ~~[Except as provided by Section 232.0013, this]~~
15 subchapter does not apply to a subdivision of land to which
16 Subchapter B applies.

17 SECTION 3.08. Section 232.0023, Local Government Code, is
18 amended to read as follows:

19 Sec. 232.0023. APPROVAL PROCEDURE: APPLICABILITY. The plat
20 application approval procedures under this subchapter apply to a
21 county regardless of whether the county has entered into an
22 interlocal agreement ~~[, including an interlocal agreement between a
23 municipality and county under Section 242.001(d)]~~.

24 SECTION 3.09. Section 232.110(a), Local Government Code, is
25 amended to read as follows:

26 (a) If, under any authority expressly authorized by this
27 chapter, a county requires, ~~[including under an agreement under~~

1 ~~Chapter 242,~~] as a condition of approval for a property development
2 project that the developer bear a portion of the costs of county
3 infrastructure improvements by the making of dedications, the
4 payment of fees, or the payment of construction costs, the
5 developer's portion of the costs may not exceed the amount required
6 for infrastructure improvements that are roughly proportionate to
7 the proposed development as approved by a professional engineer who
8 holds a license issued under Chapter 1001, Occupations Code, and is
9 retained by the county. The county's determination shall be
10 completed within thirty days following the submission of the
11 developer's application for determination under this subsection.

12 SECTION 3.10. Section 8230.005, Special District Local Laws
13 Code, is amended to read as follows:

14 Sec. 8230.005. CERTAIN LAWS INAPPLICABLE TO CREATION OF
15 DISTRICT. The district was created notwithstanding any provision
16 of [~~Section 212.003, Local Government Code,~~] Chapter 42 or 43,
17 Local Government Code, or Section 54.016, Water Code, and to the
18 extent of the creation of the district only, those provisions shall
19 have no application.

20 SECTION 3.11. Section 16.343(f), Water Code, is amended to
21 read as follows:

22 (f) The model rules may impose a platting or replatting
23 requirement pursuant to Subsection (b)(2), (c)(2), or (d). A
24 [~~Except as may be required by an agreement developed under Chapter~~
25 ~~242, Local Government Code, a~~] municipality that has adopted the
26 model rules may impose the applicable platting requirements of
27 Chapter 212, Local Government Code, and a county that has adopted

1 the model rules may impose the applicable platting requirements of
2 Chapter 232, Local Government Code, to real property that is
3 required to be platted or replatted by the model rules under this
4 section.

5 ARTICLE 4. REPEALER

6 SECTION 4.01. The following provisions of the Local
7 Government Code are repealed:

- 8 (1) Section 42.904;
- 9 (2) Section 212.001(1);
- 10 (3) Section 212.0025;
- 11 (4) Section 212.003;
- 12 (5) Section 212.007;
- 13 (6) Sections 212.012(d), (e), and (f);
- 14 (7) Section 216.0035;
- 15 (8) Section 216.902;
- 16 (9) Section 232.0013;
- 17 (10) Section 232.022(c-1);
- 18 (11) Section 233.031(b);
- 19 (12) Section 233.153(c);
- 20 (13) Chapter 242;
- 21 (14) Section 352.119(a);
- 22 (15) Section 382.001(a)(4);
- 23 (16) Section 386.002;
- 24 (17) Section 395.011(c);
- 25 (18) Section 399.007(c);
- 26 (19) Section 551.004;
- 27 (20) Section 551.005(b); and

1 (21) Section 562.012(d).

2 SECTION 4.02. The following provisions are repealed:

3 (1) Article 4.11(c), Code of Criminal Procedure;

4 (2) Section 26.045(f), Government Code;

5 (3) Section 27.031(c), Government Code; and

6 (4) Section 394.062(b), Transportation Code.

7 ARTICLE 5. EFFECTIVE DATE

8 SECTION 5.01. This Act takes effect September 1, 2025.