



TEXAS MUNICIPAL LEAGUE

Empowering Texas cities to serve their citizens

President **Karen Hunt**, Mayor, Coppell
Executive Director **Bennett Sandlin**

March 23, 2021

The Honorable Joe Deshotel
Chairman, House Land and Resource Management
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Chairman Deshotel:

I am writing on behalf of the Texas Municipal League to express our opposition to **H.B. 1885** by **Harris**. The bill would, with certain exceptions, prohibit a city 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 bill is presumably aimed at city regulations in the extraterritorial jurisdiction (ETJ). However, as worded, the bill's prohibitions would apply in the ETJ and any area inside the city where a resident is "ineligible or ha[s] only limited eligibility to vote in municipal elections."

Even assuming the bill is amended to apply only in the ETJ, it is extremely problematic. The ETJ, a concept created by the Texas Legislature in 1963, was established in order "to promote and protect the general health, safety, and welfare of persons residing in and adjacent to" cities, a sort of buffer zone outside of a city's corporate limits. Tex. Loc. Gov't Code § 42.001. This bill strips a city of its ability to fulfill this legislative purpose.

For example, this bill will deprive a city of its ability to regulate the following in the ETJ:

- slaughterhouses as authorized in Local Government Code Chapter 215;
- traffic safety as authorized in Local Government Code Chapter 216;
- infrastructure development as authorized in Local Government Code Chapter 395;
- water as authorized in Local Government Code Chapter 551; and
- city utility operations as authorized in Local Government Code Chapter 552.

These are only a few examples of the bill's impact. Because city authority to regulate in the ETJ is spread throughout state law, it's difficult to compile a comprehensive list of the many ways in which this bill will negatively impact a city's ability to protect the health, safety, and welfare of those residing in and adjacent to the city. For these reasons, we oppose H.B. 1885.

Thank you for your consideration and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Wynn". The signature is fluid and cursive, with a prominent loop at the end.

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League