

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4059
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Intergovernmental Relations
5/24/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 4059 amends the Local Government Code to address a municipal dispute in Cameron County related to the extraterritorial jurisdiction of the cities of Brownsville and Laguna Vista.

C.S.H.B. 4059 amends current law relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities, and exempts the release of extraterritorial jurisdiction where a municipally owned utility provides electric service.

C.S.H.B. 4059 amends current law relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.023, Local Government Code, to prohibit the extraterritorial jurisdiction of a municipality from being reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except as necessary to comply with Section 42.0235, and to make nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 42, Local Government Code, by adding Section 42.0235, as follows:

Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) Provides that the extraterritorial jurisdiction of a municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico terminates two miles from the extraterritorial jurisdiction of a neighboring municipality if extension of the extraterritorial jurisdiction beyond that limit, notwithstanding Section 42.021, would:

(1) completely surround the corporate boundaries or extraterritorial jurisdiction of the neighboring municipality; and

(2) limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

(b) Requires a municipality to release extraterritorial jurisdiction as necessary to comply with Subsection (a).

(c) Authorizes a municipality that owns an electric system and that releases extraterritorial jurisdiction under Subsection (b), notwithstanding any other law, to provide electric service in the released area to the same extent that the service would have been provided if the municipality had annexed the area.

SECTION 3. Amends Subchapter B, Chapter 43, Local Government Code, by adding Section 43.037, as follows:

Sec. 43.037. PROHIBITION AGAINST ANNEXATION TO SURROUND MUNICIPALITY IN CERTAIN COUNTIES. Prohibits a municipality with a population of more than 175,000 located in a county that contains an international border and borders the Gulf of Mexico from annexing an area that would cause another municipality to be entirely surrounded by the corporate limits or extraterritorial jurisdiction of the annexing municipality.

SECTION 4. Provides that the change in law made by Section 43.037, Local Government Code, as added by this Act, applies to any annexation, including an annexation proposed in an annexation plan under Section 43.052, Local Government Code, that is not final before the effective date of this Act.

SECTION 5. Effective date: upon passage or September 1, 2015.