

By: Oliveira

H.B. No. 4059

A BILL TO BE ENTITLED

AN ACT

relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.

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

SECTION 1. Section 42.023, Local Government Code, is amended to read as follows:

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION.

The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

(1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901; ~~or~~

(2) in accordance with an agreement under Section 42.022(d); or

(3) as necessary to comply with Section 42.0235.

SECTION 2. Subchapter B, Chapter 42, Local Government Code, is amended by adding Section 42.0235 to read as follows:

Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 42.021, the extraterritorial jurisdiction of a municipality 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 would:

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

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

6           (b) A municipality shall release extraterritorial  
7 jurisdiction as necessary to comply with Subsection (a).

8           SECTION 3. Subchapter B, Chapter 43, Local Government Code,  
9 is amended by adding Section 43.037 to read as follows:

10           Sec. 43.037. PROHIBITION AGAINST ANNEXATION TO SURROUND  
11 MUNICIPALITY IN CERTAIN COUNTIES. A municipality in a county that  
12 contains an international border and borders the Gulf of Mexico may  
13 not annex an area that would cause another municipality to be  
14 entirely surrounded by the corporate limits or extraterritorial  
15 jurisdiction of the annexing municipality.

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

21           SECTION 5. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2015.