

1-1 By: Oliveira (Senate Sponsor - Lucio) H.B. No. 4059
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 13, 2015, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 24, 2015, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 5,
 1-6 Nays 0; May 24, 2015, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|--------------------------|-----|-----|--------|-----|
| 1-8 Lucio | X | | | |
| 1-9 Bettencourt | X | | | |
| 1-10 Campbell | | | X | |
| 1-11 Garcia | X | | | |
| 1-12 Menéndez | | | X | |
| 1-13 Nichols | X | | | |
| 1-14 Taylor of Galveston | X | | | |

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 4059 By: Lucio

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to limitations on annexation by and extraterritorial
 1-20 jurisdiction of certain municipalities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 42.023, Local Government Code, is
 1-23 amended to read as follows:

1-24 Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION.
 1-25 The extraterritorial jurisdiction of a municipality may not be
 1-26 reduced unless the governing body of the municipality gives its
 1-27 written consent by ordinance or resolution, except:

1-28 (1) in cases of judicial apportionment of overlapping
 1-29 extraterritorial jurisdictions under Section 42.901; ~~[or]~~

1-30 (2) in accordance with an agreement under Section
 1-31 42.022(d); or

1-32 (3) as necessary to comply with Section 42.0235.

1-33 SECTION 2. Subchapter B, Chapter 42, Local Government Code,
 1-34 is amended by adding Section 42.0235 to read as follows:

1-35 Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION
 1-36 OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 42.021, the
 1-37 extraterritorial jurisdiction of a municipality with a population
 1-38 of more than 175,000 located in a county that contains an
 1-39 international border and borders the Gulf of Mexico terminates two
 1-40 miles from the extraterritorial jurisdiction of a neighboring
 1-41 municipality if extension of the extraterritorial jurisdiction
 1-42 beyond that limit would:

1-43 (1) completely surround the corporate boundaries or
 1-44 extraterritorial jurisdiction of the neighboring municipality; and

1-45 (2) limit the growth of the neighboring municipality
 1-46 by precluding the expansion of the neighboring municipality's
 1-47 extraterritorial jurisdiction.

1-48 (b) A municipality shall release extraterritorial
 1-49 jurisdiction as necessary to comply with Subsection (a).

1-50 (c) Notwithstanding any other law, a municipality that owns
 1-51 an electric system and that releases extraterritorial jurisdiction
 1-52 under Subsection (b) may provide electric service in the released
 1-53 area to the same extent that the service would have been provided if
 1-54 the municipality had annexed the area.

1-55 SECTION 3. Subchapter B, Chapter 43, Local Government Code,
 1-56 is amended by adding Section 43.037 to read as follows:

1-57 Sec. 43.037. PROHIBITION AGAINST ANNEXATION TO SURROUND
 1-58 MUNICIPALITY IN CERTAIN COUNTIES. A municipality with a population
 1-59 of more than 175,000 located in a county that contains an
 1-60 international border and borders the Gulf of Mexico may not annex an

2-1 area that would cause another municipality to be entirely
2-2 surrounded by the corporate limits or extraterritorial
2-3 jurisdiction of the annexing municipality.

2-4 SECTION 4. The change in law made by Section 43.037, Local
2-5 Government Code, as added by this Act, applies to any annexation,
2-6 including an annexation proposed in an annexation plan under
2-7 Section 43.052, Local Government Code, that is not final before the
2-8 effective date of this Act.

2-9 SECTION 5. This Act takes effect immediately if it receives
2-10 a vote of two-thirds of all the members elected to each house, as
2-11 provided by Section 39, Article III, Texas Constitution. If this
2-12 Act does not receive the vote necessary for immediate effect, this
2-13 Act takes effect September 1, 2015.

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