

SENATE AMENDMENTS

2nd Printing

By: Oliveira

H.B. No. 4059

A BILL TO BE ENTITLED

1 AN ACT
2 relating to limitations on annexation by and extraterritorial
3 jurisdiction of certain municipalities.

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

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

7 Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION.
8 The extraterritorial jurisdiction of a municipality may not be
9 reduced unless the governing body of the municipality gives its
10 written consent by ordinance or resolution, except:

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

13 (2) in accordance with an agreement under Section
14 42.022(d); or

15 (3) as necessary to comply with Section 42.0235.

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

18 Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION
19 OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 42.021, the
20 extraterritorial jurisdiction of a municipality in a county that
21 contains an international border and borders the Gulf of Mexico
22 terminates two miles from the extraterritorial jurisdiction of a
23 neighboring municipality if extension of the extraterritorial
24 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.

ADOPTED

MAY 27 2015


Secretary of the Senate

By: Oliveira / Lucio

H.B. No. 4059

Substitute the following for H.B. No. 4059:

By: 

C.S. H.B. No. 4059

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

13 (2) in accordance with an agreement under Section
14 42.022(d); or

15 (3) as necessary to comply with Section 42.0235.

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

18 Sec. 42.0235. LIMITATION ON EXTRATERRITORIAL JURISDICTION
19 OF CERTAIN MUNICIPALITIES. (a) Notwithstanding Section 42.021, the
20 extraterritorial jurisdiction of a municipality with a population
21 of more than 175,000 located in a county that contains an
22 international border and borders the Gulf of Mexico terminates two
23 miles from the extraterritorial jurisdiction of a neighboring
24 municipality if extension of the extraterritorial jurisdiction

1 beyond that limit would:

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

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

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

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

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

16 Sec. 43.037. PROHIBITION AGAINST ANNEXATION TO SURROUND
17 MUNICIPALITY IN CERTAIN COUNTIES. A municipality with a population
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19 international border and borders the Gulf of Mexico may not annex an
20 area that would cause another municipality to be entirely
21 surrounded by the corporate limits or extraterritorial
22 jurisdiction of the annexing municipality.

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

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4059 by Oliveira (Relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, SD, KVe, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4059 by Oliveira (Relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 14, 2015

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4059 by Oliveira (Relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 27, 2015

TO: Honorable Carol Alvarado, Chair, House Committee on Urban Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4059 by Oliveira (Relating to limitations on annexation by and extraterritorial jurisdiction of certain municipalities.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK