

House Bill 4059
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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; [∅]
- (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) 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.

SENATE VERSION (CS)

SECTION 1. Same as House version.

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 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 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.

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

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

Sec. 43.037. PROHIBITION AGAINST ANNEXATION TO SURROUND MUNICIPALITY IN CERTAIN COUNTIES.

A municipality in a county that contains an international border and borders the Gulf of Mexico may not annex an area that would cause another municipality to be entirely surrounded by the corporate limits or extraterritorial jurisdiction of the annexing municipality.

SECTION 4. 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house,

SENATE VERSION (CS)

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

(c) Notwithstanding any other law, a municipality that owns an electric system and that releases extraterritorial jurisdiction under Subsection (b) may 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. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.037 to read as follows:

Sec. 43.037. PROHIBITION AGAINST ANNEXATION TO SURROUND MUNICIPALITY IN CERTAIN COUNTIES.

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 may not annex an area that would cause another municipality to be entirely surrounded by the corporate limits or extraterritorial jurisdiction of the annexing municipality.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

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as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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