

BILL ANALYSIS

Senate Research Center

S.B. 468
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Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 84th Legislature, 2015, enacted H.B. 4059 to address a situation in Cameron County in which certain communities found themselves unable to grow as they had become encircled by Brownsville's extraterritorial jurisdiction (ETJ). The bill required Brownsville to withdraw its ETJ two miles from the ETJ of any community which it completely encircled. The bill only applied to communities which were completely surrounded by Brownsville's ETJ and which were consequently prevented from growing on their own. H.B. 4059 did not roll back Brownsville's city limits and therefore had no effect on how emergency services were provided in annexed areas.

While the two-mile buffer solution provided in H.B. 4059 worked for some communities, it did not work for others. Some communities found that having a two-mile buffer of land surrounding their ETJ, which was completely devoid of any municipal regulation, would not be in the best interest of their respective communities. Other communities simply wanted the freedom to continue to amicably resolve their ETJ issues by agreement, or to follow the legislative scheme for calculating ETJ utilized almost everywhere else in the state.

S.B. 468 was filed after some of these communities sought legislative intervention. The bill provides an additional option to communities which have determined that the solution put forth by H.B. 4059 was not to be in the best interest of their communities. Specifically, S.B. 468 allows communities to enter into interlocal agreements with Brownsville and to calculate their ETJ boundaries with Brownsville in the same manner employed by the rest of the State of Texas.

S.B. 468 does not in any way diminish or dilute the effectiveness of H.B. 4059. Communities encircled by Brownsville's ETJ that wish to continue to follow H.B. 4059 will be unaffected by the new legislation.

S.B. 468 amends current law relating to the extraterritorial jurisdiction of certain municipalities in coastal border counties.

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 42.0235, Local Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Creates an exception under Subsection (d).

(d) Provides that extraterritorial jurisdiction for a municipality is determined under Section 42.021 (Extent of Extraterritorial Jurisdiction) if the governing body of the municipality and the governing body of the neighboring municipality each adopt, on or after June 1, 2017, resolutions stating that the determination of extraterritorial jurisdiction under Section 42.0235(a) (relating to the extraterritorial jurisdiction of certain counties) is not in the best interest of the municipality.

SECTION 2. Effective date: September 1, 2017.