

BILL ANALYSIS

C.S.S.B. 468
By: Lucio
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the determination of the extraterritorial jurisdiction of certain municipalities, such as Brownsville, is not in the best interest of certain communities. C.S.S.B. 468 seeks to address this issue by providing for an alternative determination of such extraterritorial jurisdiction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 468 amends the Local Government Code to establish that extraterritorial jurisdiction for 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 is determined under statutory provisions relating to the extent of extraterritorial jurisdiction if the governing body of the municipality and the governing body of a neighboring municipality each adopt, on or after June 1, 2017, resolutions stating that the determination of extraterritorial jurisdiction that provides for the termination of the extraterritorial jurisdiction at two miles from the extraterritorial jurisdiction of the neighboring municipality under certain conditions is not in the best interest of the municipality.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 468 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 42.0235, Local Government Code, is amended by amending

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 42.0235, Local Government Code, is amended by amending

85R 31586

17.137.227

Substitute Document Number: 85R 29823

Subsection (a) and adding Subsection (d) to read as follows:

(a) Notwithstanding Section 42.021, and except as provided by Subsection (d), 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.

(d) Extraterritorial jurisdiction for a municipality subject to this section is determined under Section 42.021 if the governing body of the municipality and the governing body of the neighboring municipality have each adopted a resolution stating that the determination of extraterritorial jurisdiction under Section 42.0235(a) is not in the best interest of the municipality.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, 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, 2017.

Subsection (a) and adding Subsection (d) to read as follows:

(a) Notwithstanding Section 42.021, and except as provided by Subsection (d), 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.

(d) Extraterritorial jurisdiction for a municipality subject to this section is determined under Section 42.021 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) is not in the best interest of the municipality.

SECTION 2. This Act takes effect September 1, 2017.