

SUBJECT: Allowing exceptions to certain extraterritorial jurisdiction restrictions

COMMITTEE: Land and Resource Management — committee substitute recommended

VOTE: 7 ayes — Herrero, Bell, Bailes, Blanco, Faircloth, Krause, Stucky
0 nays

SENATE VOTE: On final passage, April 25 — 31-0

WITNESSES: For — Ramiro Gonzalez, City of Brownsville
Against — None

BACKGROUND: Local Government Code, sec. 42.021 establishes the extent of a municipality's extraterritorial jurisdiction (ETJ) according to its population or geography.

Notwithstanding sec. 42.021, Local Government Code, sec. 42.0235, provides that the ETJ of a municipality with a population of more than 175,000 in a county that contains an international border and borders the Gulf of Mexico terminates two miles from the ETJ of a neighboring municipality if extending the ETJ would:

- completely surround the corporate boundaries of the neighboring municipality or its ETJ; and
- limit the growth of the neighboring municipality by precluding the expansion of the neighboring municipality's extraterritorial jurisdiction.

Questions have been raised about whether the two-mile ETJ rule in sec. 42.0235 should be revised to give Brownsville and nearby municipalities the option to enter into interlocal agreements to calculate ETJ boundaries.

DIGEST: SB 468 would provide an alternative method of determining the extraterritorial jurisdiction (ETJ) of a municipality that met certain

population and location requirements specified in the bill (Brownsville). If the governing body of an applicable municipality and the governing body of a neighboring municipality each adopted a resolution on or after June 1, 2017, stating that a determination of ETJ based on the two-mile requirement in Local Government Code, sec. 402.0235 was not in the best interest of the municipality, the boundary would be determined by the statutory standards in sec. 42.021.

The bill would take effect September 1, 2017.