

## **BILL ANALYSIS**

C.S.S.B. 1104  
By: Madla  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, Type A municipalities cannot require the transfer of any extraterritorial jurisdiction and cannot, except for a few exceptions that are not of material relation to this bill, involuntarily annex any extraterritorial jurisdiction territory.

As proposed, C.S.S.B. 1104 would enable the transfer of extraterritorial jurisdiction and enable, under certain specified circumstances, the involuntary annexation of extraterritorial jurisdiction from a municipality with a population of at least 1.1 million, that has used limited purpose annexation, to a Type A municipality with a population of less than 7,500 if the Type A municipality is located in the same county with at least 75 percent of the incorporated area of the city with at least 1.1 million population.

C.S.S.B. 1104 also allows such an area to be annexed by small cities geographically adjacent to the area. These newly proposed annexed small cities could have a political impact that does not exist in a very large city to assure attention to their concerns.

### **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 Subchapter B, Chapter 42, Local Government Code, by adding Section 42.027, as follows:

Sec. 42.027. TRANSFER OF EXTRATERRITORIAL JURISDICTION BETWEEN CERTAIN HOME-RULE AND GENERAL-LAW MUNICIPALITIES.

- (a) Defines "accepting municipality" and "releasing municipality."
- (b) States that the accepting municipality and releasing municipality may agree by resolution or ordinance by September 1, 2005 on the release and acceptance of extraterritorial jurisdiction of the releasing municipality.
- (c) If an agreement as provided for in subsection (b) then the bill authorizes a governing body of an accepting municipality by resolution or ordinance to include in the accepting municipality's extraterritorial jurisdiction and exclude from the releasing municipality's extraterritorial jurisdiction, without the releasing municipality's consent, an area that is in the extraterritorial jurisdiction of the releasing municipality if the area meets certain criteria.
- (d) Prohibits the total area that may be transferred from a releasing municipality's extraterritorial jurisdiction to an accepting municipality's extraterritorial jurisdiction from exceeding in size the area contained in the corporate limits of the accepting municipality as of the date of the transfer.

(e) Authorizes an accepting municipality that has adopted a resolution or ordinance under Subsection (b) or (c) to without consent annex a certain territory or area in the manner provided by Subchapter C, Chapter 43 (Municipal Annexation).

(f) Requires an area to be transferred under this section to be identified by a map and a metes and bounds description to be attached to or included in the resolution or ordinance. Provides that the map and metes and bounds description need not be established by an on the ground survey.

(g) Requires a copy of the resolution or ordinance adopted by the accepting municipality to be published once in a newspaper of general circulation within the accepting municipality and once in a newspaper of general circulation within the releasing municipality no later than the 30th day after the date the resolution or ordinance is adopted. Provides that if the newspaper in which publication is made is a newspaper of general circulation in both the municipalities, only one publication of the copy of the resolution or ordinance is required.

(h) Provides that the transfer of extraterritorial jurisdiction identified in the resolution or ordinance is effective on the 10th day after the date of publication under Subsection (g).

(i) Provides that to the extent of any conflict, this section controls over another provision of a home-rule charter, this chapter, or Chapter 43 or any other provision of this code.

(j) Authorizes a resolution or ordinance adopted under this section and the relevant provisions of this subchapter to only be challenged by a quo warranto proceeding initiated by the attorney general.

SECTION 2. Effective date: upon passage or September 1, 2005.

#### **EFFECTIVE DATE**

Upon passage or September 1, 2005.

#### **COMPARISON OF SUBSTITUTE TO ORIGINAL**

Adds a new subsection (b) which states the accepting and releasing municipalities may reach an agreement by resolution or ordinance on the exchange of extraterritorial jurisdiction by September 1, 2005. The existing subsection (b) and subsequent sections are renumbered. In the substitute's subsection (c) the accepting municipality's ability to annex by resolution or ordinance the releasing municipality's extraterritorial jurisdiction is changed from the original bill to be made contingent on an agreement not being reached in the substitute's subsection (b).