

By: Laubenberg

H.B. No. 2559

A BILL TO BE ENTITLED

AN ACT

relating to the extent of extraterritorial jurisdiction of municipalities with fewer than 5,000 inhabitants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.021, Local Government Code, is amended to read as follows:

Sec. 42.021. EXTENT OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

(1) within ~~[one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;~~

~~[(2) within]~~ one mile of those boundaries, in the case of a municipality with fewer than 25,000 ~~[5,000 to 24,999]~~ inhabitants;

(2) ~~[(3)]~~ within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;

(3) ~~[(4)]~~ within 3-1/2 miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or

(4) ~~[(5)]~~ within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.

SECTION 2. Subchapter Z, Chapter 42, Local Government Code, is amended by adding Section 42.9011 to read as follows:

Sec. 42.9011. APPORTIONMENT OF EXTRATERRITORIAL

1 JURISDICTIONS OF CERTAIN MUNICIPALITIES THAT OVERLAPPED ON  
2 SEPTEMBER 1, 2005. (a) If, on September 1, 2005, the expanded  
3 extraterritorial jurisdiction that a municipality with fewer than  
4 5,000 inhabitants received under Section 42.021 overlapped the  
5 expanded extraterritorial jurisdiction that one or more other  
6 municipalities with fewer than 5,000 inhabitants received on that  
7 date under Section 42.021, the governing bodies of the affected  
8 municipalities may apportion the overlapped area in the same manner  
9 as provided by Section 42.901.

10 (b) The expansion of the extraterritorial jurisdiction of a  
11 municipality with fewer than 5,000 inhabitants under Section 42.021  
12 may not include any area in the existing extraterritorial  
13 jurisdiction of another municipality.

14 (c) In applying Section 42.901(c) for purposes of this  
15 section, the date of September 1, 2005, is substituted for August  
16 23, 1963.

17 SECTION 3. This Act takes effect September 1, 2005.