

By: Madla

S.B. No. 1104

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of extraterritorial jurisdiction between  
3 certain home-rule and general-law municipalities and annexation of  
4 certain territory by the general-law municipalities.

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

6 SECTION 1. Subchapter B, Chapter 42, Local Government Code,  
7 is amended by adding Section 42.027 to read as follows:

8 Sec. 42.027. TRANSFER OF EXTRATERRITORIAL JURISDICTION  
9 BETWEEN CERTAIN HOME-RULE AND GENERAL-LAW MUNICIPALITIES. (a) In  
10 this section:

11 (1) "Accepting municipality" means a Type A  
12 general-law municipality with a population of less than 7,500 that  
13 does not own an electric, gas, or water utility and is located in  
14 the same county with at least 75 percent of the incorporated land  
15 area of a releasing municipality.

16 (2) "Releasing municipality" means a home-rule  
17 municipality with a population of more than 1.1 million that has  
18 annexed territory for a limited purpose.

19 (b) The governing body of an accepting municipality by  
20 resolution or ordinance, enacted by the accepting municipality  
21 prior to January 1, 2007, may include in the accepting  
22 municipality's extraterritorial jurisdiction and exclude from the  
23 releasing municipality's extraterritorial jurisdiction, without  
24 the releasing municipality's consent, an area that is in the

1 extraterritorial jurisdiction of the releasing municipality if the  
2 area:

3 (1) is not, as of September 30, 2004, identified for  
4 annexation by the releasing municipality in the releasing  
5 municipality's annexation plan under Section 43.052; and

6 (2) is contiguous to the accepting municipality's  
7 corporate limits or extraterritorial jurisdiction as of the  
8 effective date of the resolution or ordinance.

9 (c) The total area that may be transferred from a releasing  
10 municipality's extraterritorial jurisdiction to an accepting  
11 municipality's extraterritorial jurisdiction under this section  
12 may not exceed in size the area contained in the corporate limits of  
13 the accepting municipality as of the date of the transfer.

14 (d) An accepting municipality that has adopted a resolution  
15 or ordinance under Subsection (b) may without consent annex the  
16 following in the manner provided by Subchapter C, Chapter 43:

17 (1) any territory located in the accepting  
18 municipality's extraterritorial jurisdiction before January 1,  
19 2005; and

20 (2) an area transferred to the accepting  
21 municipality's extraterritorial jurisdiction under this section.

22 (e) An area to be transferred under this section must be  
23 identified by a map and a metes and bounds description that must be  
24 attached to or included in the resolution or ordinance. The map and  
25 metes and bounds description need not be established by an on the  
26 ground survey.

27 (f) A copy of the resolution or ordinance adopted by the

1 accepting municipality must be published once in a newspaper of  
2 general circulation within the accepting municipality and once in a  
3 newspaper of general circulation within the releasing municipality  
4 not later than the 30th day after the date the resolution or  
5 ordinance is adopted. If the newspaper in which publication is made  
6 is a newspaper of general circulation in both the municipalities,  
7 only one publication of the copy of the resolution or ordinance is  
8 required.

9 (g) The transfer of extraterritorial jurisdiction  
10 identified in the resolution or ordinance is effective on the 10th  
11 day after the date of publication under Subsection (f).

12 (h) To the extent of any conflict, this section controls  
13 over another provision of a home-rule charter, this chapter, or  
14 Chapter 43 or any other provision of this code.

15 (i) A resolution or ordinance adopted under this section and  
16 the relevant provisions of this subchapter may only be challenged  
17 by a quo warranto proceeding initiated by the attorney general.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2005.