

By: Madla

S.B. No. 1104

Substitute the following for S.B. No. 1104:

By: Leibowitz

C.S.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 that is located
14 in 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 bodies of an accepting municipality and a
20 releasing municipality by resolution or ordinance may agree on or
21 before September 1, 2005, to include in the accepting
22 municipality's extraterritorial jurisdiction and exclude from the
23 releasing municipality's extraterritorial jurisdiction an area
24 that is in the extraterritorial jurisdiction of the releasing

1 municipality.

2 (c) If an agreement is not reached as provided by Subsection
3 (b), the governing body of an accepting municipality by resolution
4 or ordinance enacted before January 1, 2007, may include in the
5 accepting municipality's extraterritorial jurisdiction and exclude
6 from the releasing municipality's extraterritorial jurisdiction,
7 without the releasing municipality's consent, an area that is in
8 the extraterritorial jurisdiction of the releasing municipality if
9 the area:

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

13 (2) is contiguous to the accepting municipality's
14 corporate limits or extraterritorial jurisdiction as of the
15 effective date of the resolution or ordinance.

16 (d) The total area that may be transferred from a releasing
17 municipality's extraterritorial jurisdiction to an accepting
18 municipality's extraterritorial jurisdiction under this section
19 may not exceed in size the area contained in the corporate limits of
20 the accepting municipality as of the date of the transfer.

21 (e) An accepting municipality that has adopted a resolution
22 or ordinance under Subsection (b) or (c) may without consent annex
23 the following in the manner provided by Subchapter C, Chapter 43:

24 (1) any territory located in the accepting
25 municipality's extraterritorial jurisdiction on January 1, 2005;
26 and

27 (2) an area transferred to the accepting

1 municipality's extraterritorial jurisdiction under this section.

2 (f) An area to be transferred under this section must be
3 identified by a map and a metes and bounds description that must be
4 attached to or included in the resolution or ordinance. The map and
5 metes and bounds description need not be established by an
6 on-the-ground survey.

7 (g) A copy of the resolution or ordinance adopted by the
8 accepting municipality must be published once in a newspaper of
9 general circulation within the accepting municipality and once in a
10 newspaper of general circulation within the releasing municipality
11 not later than the 30th day after the date the resolution or
12 ordinance is adopted. If the newspaper in which publication is made
13 is a newspaper of general circulation in both municipalities, only
14 one publication of the copy of the resolution or ordinance is
15 required.

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

19 (i) To the extent of any conflict, this section controls
20 over another provision of a home-rule charter, this chapter, or
21 Chapter 43 or any other provision of this code.

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

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.