

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
13 located in the same county with at least 75 percent of the
14 incorporated land area of a releasing municipality.

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

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

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

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

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

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

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

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

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

25 (f) A copy of the resolution or ordinance adopted by the
26 accepting municipality must be published once in a newspaper of
27 general circulation within the accepting municipality and once in a

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

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

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

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

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