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         By: Madla
                                                                              S.B. No. 1104
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                 (In the Senate - Filed March 8, 2005; March 21, 2005, read
         first time and referred to Committee on Intergovernmental Relations; April 25, 2005, reported favorably, as amended, by the
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         following vote: Yeas 5, Nays 0; April 25, 2005, sent to printer.)
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         COMMITTEE AMENDMENT NO. 1
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                                                                                  By: Madla
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         Amend S.B. No. 1104, in SECTION 1 of the bill, as follows:
        (1) In Subdivision (1), Subsection (a) of added Section 42.027 (page 1, line 27), between "7,500" and "located", insert "that does not own an electric, gas, or water utility and is".

(2) In Subsection (b) of added Section 42.027 (page 1, line 33), between "ordinance" and "may", insert ", enacted by the accepting municipality prior to January 1, 2007,".
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                                       A BILL TO BE ENTITLED
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                                                AN ACT
         relating to the transfer of extraterritorial jurisdiction between
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         certain home-rule and general-law municipalities and annexation of
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         certain territory by the general-law municipalities.
                 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
                 SECTION 1. Subchapter B, Chapter 42, Local Government Code,
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         is amended by adding Section 42.027 to read as follows:
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                 Sec. 42.027.
                                   TRANSFER OF EXTRATERRITORIAL
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                                                                               JURISDICTION
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         BETWEEN CERTAIN HOME-RULE AND GENERAL-LAW MUNICIPALITIES.
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         this section:
                        (1)
                               "Accepting
                                               municipality"
                                                                                     Туре
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                                                                    means
         general-law municipality with a population of less than 7,500 located in the same county with at least 75 percent of the incorporated land area of a releasing municipality.

(2) "Releasing municipality" means a home-rule
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         municipality with a population of more than 1.1 million that has
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         annexed territory for a limited purpose.
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         (b) The governing body of an accepting municipality by resolution or ordinance may include in the accepting municipality's extraterritorial jurisdiction and exclude from the releasing
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         municipality's extraterritorial jurisdiction,
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                                                                            without
                                                                                           the
         releasing municipality's consent,
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                                                         an area that is in
         extraterritorial jurisdiction of the releasing municipality if the
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         area:
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         annexation (1) is not, as of September 30, 2004, ident by the releasing municipality in the
                                                                             identified for
                                                                                   releasing
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         municipality's annexation plan under Section 43.052; and
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                        (2) is contiguous to the accepting municipality's
                                  or extraterritorial
                        limits
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                                                              jurisdiction
         corporate
         effective date of the resolution or ordinance.
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                       The total area that may be transferred from a releasing
         municipality's extraterritorial jurisdiction to an accepting
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         municipality's extraterritorial jurisdiction under this section
         may not exceed in size the area contained in the corporate limits of the accepting municipality as of the date of the transfer.
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                 (d) An accepting municipality that has adopted a resolution
            ordinance under Subsection (b) may without consent annex the
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         following in the manner provided by Subchapter C, Chapter 43:
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                        (1)
                              anv
                                      territory
                                                       located
                                                                           the
                                                                                   accepting
         municipality's extraterritorial jurisdiction before
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                                                                                 January 1,
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         2005; and
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                                              <u>transferre</u>d
                                     area
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municipality's extraterritorial jurisdiction under this section.

(e) An area to be transferred under this section must be identified by a map and a metes and bounds description that must be

attached to or included in the resolution or ordinance. The map and metes and bounds description need not be established by an on the

to

the

accepting

(2)

ground survey.

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S.B. No. 1104

(f) A copy of the resolution or ordinance adopted by the accepting municipality must 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 not later than the 30th day after the date the resolution or ordinance is adopted. 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.

(g) The transfer of extraterritorial jurisdiction identified in the resolution or ordinance is effective on the 10th

day after the date of publication under Subsection (f).

(h) 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.

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

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

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