

1-1 By: Madla S.B. No. 1104
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 25, 2005, reported favorably, as amended, by the
1-5 following vote: Yeas 5, Nays 0; April 25, 2005, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Madla

1-7 Amend S.B. No. 1104, in SECTION 1 of the bill, as follows:

1-8 (1) In Subdivision (1), Subsection (a) of added Section
1-9 42.027 (page 1, line 27), between "7,500" and "located", insert
1-10 "that does not own an electric, gas, or water utility and is".

1-11 (2) In Subsection (b) of added Section 42.027 (page 1,
1-12 line 33), between "ordinance" and "may", insert ", enacted by the
1-13 accepting municipality prior to January 1, 2007,".

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to the transfer of extraterritorial jurisdiction between
1-17 certain home-rule and general-law municipalities and annexation of
1-18 certain territory by the general-law municipalities.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter B, Chapter 42, Local Government Code,
1-21 is amended by adding Section 42.027 to read as follows:

1-22 Sec. 42.027. TRANSFER OF EXTRATERRITORIAL JURISDICTION
1-23 BETWEEN CERTAIN HOME-RULE AND GENERAL-LAW MUNICIPALITIES. (a) In
1-24 this section:

1-25 (1) "Accepting municipality" means a Type A
1-26 general-law municipality with a population of less than 7,500
1-27 located in the same county with at least 75 percent of the
1-28 incorporated land area of a releasing municipality.

1-29 (2) "Releasing municipality" means a home-rule
1-30 municipality with a population of more than 1.1 million that has
1-31 annexed territory for a limited purpose.

1-32 (b) The governing body of an accepting municipality by
1-33 resolution or ordinance may include in the accepting municipality's
1-34 extraterritorial jurisdiction and exclude from the releasing
1-35 municipality's extraterritorial jurisdiction, without the
1-36 releasing municipality's consent, an area that is in the
1-37 extraterritorial jurisdiction of the releasing municipality if the
1-38 area:

1-39 (1) is not, as of September 30, 2004, identified for
1-40 annexation by the releasing municipality in the releasing
1-41 municipality's annexation plan under Section 43.052; and

1-42 (2) is contiguous to the accepting municipality's
1-43 corporate limits or extraterritorial jurisdiction as of the
1-44 effective date of the resolution or ordinance.

1-45 (c) The total area that may be transferred from a releasing
1-46 municipality's extraterritorial jurisdiction to an accepting
1-47 municipality's extraterritorial jurisdiction under this section
1-48 may not exceed in size the area contained in the corporate limits of
1-49 the accepting municipality as of the date of the transfer.

1-50 (d) An accepting municipality that has adopted a resolution
1-51 or ordinance under Subsection (b) may without consent annex the
1-52 following in the manner provided by Subchapter C, Chapter 43:

1-53 (1) any territory located in the accepting
1-54 municipality's extraterritorial jurisdiction before January 1,
1-55 2005; and

1-56 (2) an area transferred to the accepting
1-57 municipality's extraterritorial jurisdiction under this section.

1-58 (e) An area to be transferred under this section must be
1-59 identified by a map and a metes and bounds description that must be
1-60 attached to or included in the resolution or ordinance. The map and
1-61 metes and bounds description need not be established by an on the
1-62 ground survey.

