

BILL ANALYSIS

Senate Research Center

S.B. 1537
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Intergovernmental Relations
4/14/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 42.022(b) (regarding expansion of extraterritorial jurisdiction), Local Government Code, authorizes property owners to request their property to be included in a city's extraterritorial jurisdiction. This provision has created additional administrative paperwork for various municipalities and, in some instances, has created an extraterritorial jurisdiction made up of a patchwork of land.

Section 43.024 (Authority of Type A General-Law Municipality to Annex Area on Request of Area Voters), Local Government Code, establishes a mechanism for a group of property owners to vote to be annexed by a municipality. Under this mechanism, if a majority of the qualified voters of the area vote in favor of becoming a part of the municipality, any three of those voters are authorized to prepare an affidavit to the vote and file the petition with the request with the municipality, which is then authorized to take action on annexing the area as a whole. Such a mechanism provides property owners with more options to be included in a municipality's extraterritorial jurisdiction and can reduce the administrative work for municipalities.

As proposed, S.B. 1537 creates a similar mechanism for inclusion of an area in a municipality's extraterritorial jurisdiction. This mechanism requires a majority of the qualified voters of the area to vote in favor of becoming part of the extraterritorial jurisdiction and requires an affidavit prepared by three voters to be filed with the municipality. At that time, the governing body of the municipality is authorized to take action on including the entire area in its extraterritorial jurisdiction.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 42, Local Government Code, by adding Section 42.027, as follows:

Sec. 42.027. **AUTHORITY OF GENERAL-LAW MUNICIPALITY TO INCLUDE AREA IN EXTRATERRITORIAL JURISDICTION ON REQUEST OF AREA VOTERS.** (a) Provides that this section applies only to a general-law municipality that has an extraterritorial jurisdiction of more than one mile, at any point contiguous to its corporate boundaries.

(b) Authorizes any three voters, if a majority of the qualified voters of an area contiguous to the extraterritorial jurisdiction of a general-law municipality vote in favor of becoming a part of the municipality's extraterritorial jurisdiction, to prepare an affidavit to the fact of the vote and file the affidavit with the mayor of the municipality.

(c) Requires the mayor of the municipality to certify the filed affidavit to the governing body of the municipality. Authorizes the governing body, on receipt of the certified affidavit, to by ordinance include the area in its extraterritorial jurisdiction.

(d) Provides that, on the effective date of the ordinance, the area becomes a part of the municipality's extraterritorial jurisdiction and the inhabitants of the area are bound by the acts and ordinances adopted by the municipality pertaining to the municipality's extraterritorial jurisdiction.

SECTION 2. Effective date: September 1, 2007.