

By: Straus, McClendon

H.B. No. 3367

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the change in boundaries by agreement between a
3 general-law municipality with a population of more than 5,000 and a
4 home-rule municipality with a population of more than 1.1 million.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 43, Local Government Code,
7 is amended by adding Section 43.035 to read as follows:

8 Sec. 43.035. TRANSFER OF AREA AND CHANGE IN BOUNDARIES
9 BETWEEN CERTAIN MUNICIPALITIES. (a) This section applies only to
10 an area that:

11 (1) is contiguous to the corporate boundaries of a
12 municipality with a population of more than 5,000;

13 (2) is situated within the corporate boundaries of a
14 home-rule municipality with a population of more than 1.1 million;

15 (3) is without residents; and

16 (4) has situated within the area a facility having
17 over one million square feet of retail space that has remained
18 primarily vacant for at least 18 months prior to the effective date
19 of the boundary change agreement as determined by the
20 municipalities.

21 (b) A home-rule municipality with a population of more than
22 1.1 million may enter into a boundary change agreement before
23 December 31, 2008, with another municipality with a population of
24 more than 5,000 to release an area described by Subsection (a) from

1 the home-rule municipality's corporate boundaries and transfer the
2 area to be included within the corporate boundaries of the other
3 municipality. The boundary change agreement must be adopted by
4 ordinance or resolution of the governing body of each municipality
5 and must describe the area by metes and bounds description.

6 (c) The owners of a majority of the acreage of land
7 contained in an area described by Subsection (a) must consent in
8 writing to the release and transfer of the area to be included
9 within the corporate boundaries of the other municipality. The
10 owners' written consent to the release and transfer must contain a
11 metes and bounds description of the area and be submitted to each
12 municipality that is a party to the boundary change agreement prior
13 to the governing body's approval of the boundary change agreement.

14 (d) The other municipality that is a party to a boundary
15 change agreement authorized by this section, as a term or condition
16 of the boundary change agreement, may agree to share with the
17 home-rule municipality a portion of its local sales tax revenue or
18 ad valorem tax revenue, or both, attributable to the area that is
19 the subject of the boundary change agreement, for a defined period
20 of time.

21 (e) The agreement may establish an effective date of the
22 boundary change and may be subject to agreed upon conditions
23 precedent. On the effective date of the boundary change, the area
24 released and transferred as authorized by this section shall cease
25 to be part of the home-rule municipality and shall, upon the
26 effective date of the boundary change, be included within the
27 corporate boundaries of the other municipality for all purposes and

1 the corporate boundaries shall be extended to include the area. The
2 extraterritorial jurisdiction of each municipality shall also be
3 expanded or decreased in accordance with the changes in the
4 municipality's boundaries. Each municipality shall modify any
5 official map or other applicable document to reflect the change in
6 its boundaries. The area that is the subject of the boundary change
7 agreement shall be bound by any and all acts, ordinances, codes,
8 resolutions, and regulations of the other municipality.

9 (f) Notwithstanding any other provision of Chapter 43,
10 Sections 43.031, 43.051-43.057, 43.061-43.065, 43.148, and 43.905
11 do not apply to any area that is the subject of, or to any party to,
12 a boundary change agreement authorized by this section.

13 (g) In the event any provision of the charter of a home-rule
14 municipality described by Subsection (a)(2) is in conflict with any
15 provision of this section, the provisions of this section shall
16 supersede and control over any conflicting charter provision.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.