

By: Straus, McClendon

H.B. No. 3367

Substitute the following for H.B. No. 3367:

By: Murphy

C.S.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.

10 (a) This section applies only to 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 eighteen (18) months prior to the
19 effective date of the boundary change agreement (as determined by
20 the 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 Section 43.035(a)

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

7 (c) The owners of a majority of the acreage of land
8 contained in an area described by Section 43.035(a) must consent in
9 writing to the release and transfer of the area to be included
10 within the corporate boundaries of the other municipality. The
11 owners' written consent to the release and transfer must contain a
12 metes and bounds description of the area and be submitted to each
13 municipality that is a party to the boundary change agreement prior
14 to the governing body's approval of the boundary change agreement.

15 (d) The other municipality that is a party to a boundary
16 change agreement authorized by this Section 43.035, as a term or
17 condition of the boundary change agreement, may agree to share with
18 the home-rule municipality a portion of its local sales tax revenue
19 or ad valorem tax revenue, or both, attributable to the area that is
20 the subject of the boundary change agreement, for a defined period
21 of time.

22 (e) The agreement may establish an effective date of the
23 boundary change and may be subject to agreed upon conditions
24 precedent. Upon the effective date of the boundary change, the area
25 released and transferred as authorized by Section 43.035 shall
26 cease to be part of the home-rule municipality and shall, upon the
27 effective date of the boundary change, be included within the

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

10 (f) Notwithstanding any other provision of Chapter 43,
11 Sections 43.031, 43.051-43.057, 43.061-43.065, 43.148 and 43.905
12 do not apply to any area that is the subject of, or to any party to,
13 a boundary change agreement authorized by Section 43.035.

14 (g) In the event any provision of the charter of a home-rule
15 city described by Section 43.035(a)(2) is in conflict with any
16 provision of Section 43.035, the provisions of Section 43.035 shall
17 supersede and control over any conflicting charter provision.

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