

By: Straus

H.B. No. 3367

A BILL TO BE ENTITLED

1 AN ACT

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 general-law 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 and

16 (3) is without residents.

17 (b) A home-rule municipality with a population of more than
18 1.1 million may enter into a boundary change agreement with a
19 general-law municipality with a population of more than 5,000 to
20 release an area described by Section 43.035(a) from the home-rule
21 municipality's corporate boundaries and transfer said area to be
22 included within the corporate boundaries of the general-law
23 municipality. The boundary change agreement must be adopted by
24 ordinance or resolution of the governing body of each municipality

1 and must describe the area by metes and bounds description.

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

11 (d) A general-law municipality that is a party to a boundary
12 change agreement authorized by this Section 43.035, as a term or
13 condition of the boundary change agreement, may agree to share with
14 the home-rule municipality a portion of its local sales tax revenue
15 or ad valorem tax revenue, or both, attributable to the area that is
16 the subject of the boundary change agreement, for a defined period
17 of time.

18 (e) Upon the effective date of the boundary change
19 agreement, the area released and transferred as authorized by
20 Section 43.035 shall cease to be part of the home-rule municipality
21 and shall, upon the effective date, be included within the
22 corporate boundaries of the general-law municipality for all
23 purposes and the corporate boundaries shall be extended to include
24 said area. The extraterritorial jurisdiction of each municipality
25 shall also be expanded or decreased in accordance with the changes
26 in the municipality's boundaries. Each municipality shall modify
27 any official map or other applicable document to reflect the change

1 in its boundaries. The area that is the subject of the boundary
2 change agreement shall be bound by any and all acts, ordinances,
3 codes, resolutions and regulations of the general-law
4 municipality.

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

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

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