

BILL ANALYSIS

H.B. 397
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, some neighborhoods in Texas are located within the extraterritorial jurisdiction of certain home-rule municipalities that are not currently pursuing annexation of the neighborhoods. In some cases, these neighborhoods are geographically contiguous to the extraterritorial jurisdiction of general-law municipalities. Interested parties contend that certain neighborhoods with these characteristics would prefer to be annexed by the general-law municipality because the municipality's police, fire, public works, and other municipal departments are better able to serve the neighborhood's residents. If these neighborhoods wish to be annexed by a general-law municipality, legislation can be pursued to allow for the transfer of extraterritorial jurisdiction between the applicable home-rule and general-law municipalities to allow the general-law municipality to begin the process of annexing the neighborhoods.

H.B. 397 seeks to allow this by establishing provisions relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and the annexation of certain territory by the general-law municipalities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 397 amends the Local Government Code to authorize the governing body of a Type A general-law municipality with a population of less than 7,500 that does not own an electric, gas, or water utility and that is located in the same county with at least 75 percent of the incorporated land area of a home-rule municipality with a population of more than 1.3 million that has annexed territory for a limited purpose to include in the general-law municipality's extraterritorial jurisdiction and exclude from the home-rule municipality's extraterritorial jurisdiction, by resolution or ordinance and without the home-rule municipality's consent, an area that is in the extraterritorial jurisdiction of the home-rule municipality if the area is not, as of September 30, 2012, identified for annexation by the home-rule municipality in the home-rule municipality's annexation plan and is contiguous to the general-law municipality's corporate limits or extraterritorial jurisdiction as of the effective date of the resolution or ordinance.

H.B. 397 limits the total area that may be transferred from a releasing home-rule municipality's extraterritorial jurisdiction to an accepting general-law municipality's extraterritorial jurisdiction to the size of the area contained in the corporate limits of the accepting municipality as of the date of the transfer. The bill authorizes an accepting municipality that has adopted such a resolution or ordinance to annex without consent and in accordance with statutory provisions for annexation procedures under the municipal annexation plan any territory located in the accepting municipality's extraterritorial jurisdiction before January 1, 2013, and any area transferred to the accepting municipality's extraterritorial jurisdiction. The bill requires an area being transferred in such a manner to be identified by a map and a metes and bounds description attached to or

included in the resolution or ordinance but expressly dismisses any requirement for the map and metes and bounds description to be established by an on-the-ground survey.

H.B. 397 sets out requirements for publication of a copy of the resolution or ordinance adopted by the accepting municipality within each of the affected municipalities and specifies that the transfer of extraterritorial jurisdiction identified in the resolution or ordinance is effective on the 10th day after the date of such publication.

H.B. 397 provides for the control of its provisions over another provision of a home-rule charter or another provision of the Local Government Code to the extent of any conflict and limits any challenge to a resolution or ordinance adopted under the bill's provisions to a quo warranto proceeding initiated by the attorney general.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.