

By: Larson

H.B. No. 397

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of extraterritorial jurisdiction between
3 certain home-rule and general-law municipalities and annexation of
4 certain territory by the general-law municipalities.

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

6 SECTION 1. Subchapter B, Chapter 42, Local Government Code,
7 is amended by adding Section 42.027 to read as follows:

8 Sec. 42.027. TRANSFER OF EXTRATERRITORIAL JURISDICTION
9 BETWEEN CERTAIN HOME-RULE AND GENERAL-LAW MUNICIPALITIES. (a) In
10 this section:

11 (1) "Accepting municipality" means a Type A
12 general-law municipality with a population of less than 7,500 that
13 does not own an electric, gas, or water utility and that is located
14 in the same county with at least 75 percent of the incorporated land
15 area of a releasing municipality.

16 (2) "Releasing municipality" means a home-rule
17 municipality with a population of more than 1.3 million that has
18 annexed territory for a limited purpose.

19 (b) The governing body of an accepting municipality by
20 resolution or ordinance may include in the accepting municipality's
21 extraterritorial jurisdiction and exclude from the releasing
22 municipality's extraterritorial jurisdiction, without the
23 releasing municipality's consent, an area that is in the
24 extraterritorial jurisdiction of the releasing municipality if the

1 area:

2 (1) is not, as of September 30, 2012, identified for
3 annexation by the releasing municipality in the releasing
4 municipality's annexation plan under Section 43.052; and

5 (2) is contiguous to the accepting municipality's
6 corporate limits or extraterritorial jurisdiction as of the
7 effective date of the resolution or ordinance.

8 (c) The total area that may be transferred from a releasing
9 municipality's extraterritorial jurisdiction to an accepting
10 municipality's extraterritorial jurisdiction under this section
11 may not exceed in size the area contained in the corporate limits of
12 the accepting municipality as of the date of the transfer.

13 (d) An accepting municipality that has adopted a resolution
14 or ordinance under Subsection (b) may without consent annex the
15 following in the manner provided by Subchapter C, Chapter 43:

16 (1) any territory located in the accepting
17 municipality's extraterritorial jurisdiction before January 1,
18 2013; and

19 (2) any area transferred to the accepting
20 municipality's extraterritorial jurisdiction under this section.

21 (e) An area to be transferred under this section must be
22 identified by a map and a metes and bounds description that must be
23 attached to or included in the resolution or ordinance. The map and
24 metes and bounds description need not be established by an
25 on-the-ground survey.

26 (f) A copy of the resolution or ordinance adopted by the
27 accepting municipality must be published once in a newspaper of

1 general circulation within the accepting municipality and once in a
2 newspaper of general circulation within the releasing municipality
3 not later than the 30th day after the date the resolution or
4 ordinance is adopted. If the newspaper in which publication is made
5 is a newspaper of general circulation in both municipalities, only
6 one publication of the copy of the resolution or ordinance is
7 required.

8 (g) The transfer of extraterritorial jurisdiction
9 identified in the resolution or ordinance is effective on the 10th
10 day after the date of publication under Subsection (f).

11 (h) To the extent of any conflict, this section controls
12 over another provision of a home-rule charter, this chapter, or
13 Chapter 43 or any other provision of this code.

14 (i) A resolution or ordinance adopted under this section and
15 the relevant provisions of this subchapter may be challenged only
16 by a quo warranto proceeding initiated by the attorney general.

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, 2013.