

By: Bettencourt

S.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to the extraterritorial jurisdiction of and municipal annexation by certain municipalities.

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

SECTION 1. Section 42.021, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) This subsection applies only to a municipality with a population of 1.8 million or more. For the purpose of determining the extraterritorial jurisdiction of a municipality to which this subsection applies, only the territory of the municipality within the defined boundaries of the municipality that is receiving full municipal police and fire protection services is considered to be within the corporate boundaries of the municipality. The extraterritorial jurisdiction of the municipality is the unincorporated area that is located within five miles of the corporate boundaries of the municipality as determined under this subsection, provided that the unincorporated area is contiguous to the defined boundaries of the municipality and not within the extraterritorial jurisdiction of another municipality.

SECTION 2. Section 42.022, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to a municipality with a population of 1.8 million or more.

SECTION 3. Section 42.023, Local Government Code, is

1 amended to read as follows:

2 Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION.

3 The extraterritorial jurisdiction of a municipality may not be
4 reduced unless the governing body of the municipality gives its
5 written consent by ordinance or resolution, except:

6 (1) in cases of judicial apportionment of overlapping
7 extraterritorial jurisdictions under Section 42.901;

8 (2) in accordance with an agreement under Section
9 42.022(d); ~~or~~

10 (3) as necessary to comply with Section 42.0235; or

11 (4) as provided by Section 42.021(e) or 43.038.

12 SECTION 4. Section 42.041, Local Government Code, is
13 amended by adding Subsection (f) to read as follows:

14 (f) This section does not apply to an existing municipality
15 with a population of 1.8 million or more.

16 SECTION 5. Section 42.902, Local Government Code, is
17 amended to read as follows:

18 Sec. 42.902. RESTRICTION AGAINST IMPOSING TAX IN
19 EXTRATERRITORIAL JURISDICTION. (a) The inclusion of an area in the
20 extraterritorial jurisdiction of a municipality does not by itself
21 authorize the municipality to impose a tax in the area.

22 (b) A municipality with a population of 1.8 million or more
23 may not impose a tax in the extraterritorial jurisdiction of the
24 municipality unless:

25 (1) the municipality is otherwise authorized by law to
26 impose the tax in the extraterritorial jurisdiction; and

27 (2) the municipality provides police and fire

1 protection within the extraterritorial jurisdiction.

2 SECTION 6. Subchapter B, Chapter 43, Local Government Code,
3 is amended by adding Section 43.038 to read as follows:

4 Sec. 43.038. LIMITATIONS RELATED TO ANNEXATION AUTHORITY OF
5 CERTAIN MUNICIPALITIES. (a) This section applies only to a
6 municipality with a population of 1.8 million or more.

7 (b) Notwithstanding any provision of law, including
8 Sections 42.021 and 43.056, and subject to Subsection (c):

9 (1) on December 1, 2022, the area located in the
10 extraterritorial jurisdiction of a municipality to which this
11 section applies is released from the municipality's
12 extraterritorial jurisdiction;

13 (2) beginning on December 1, 2022, a municipality to
14 which this section applies:

15 (A) does not have and may not acquire
16 extraterritorial jurisdiction over any area; and

17 (B) is prohibited from annexing any area; and

18 (3) not later than December 1, 2022, a municipality to
19 which this section applies must:

20 (A) provide or cause the provision of full
21 municipal services as defined by Section 43.056(c), including
22 police and fire protection, to all areas annexed by the
23 municipality; or

24 (B) disannex any area in which the municipality
25 is not providing or causing the provision of full municipal
26 services.

27 (c) A provision of Subsection (b) applies only to the extent

1 that the application of the provision does not impair an obligation
2 under the provision of a contract or other agreement.

3 (d) A municipality to which this section applies may not
4 enter into or renew a contract or other agreement after December 1,
5 2017, that would create an obligation that would be impaired by a
6 provision of Subsection (b).

7 SECTION 7. This Act takes effect December 1, 2017.