

BILL ANALYSIS

Senate Research Center
83R2348 JTS-F

S.B. 1761
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Intergovernmental Relations
4/15/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Type A municipalities cannot require the transfer of any extraterritorial jurisdiction and cannot, except for a few exceptions that are not of material relation to this bill, involuntarily annex any extraterritorial jurisdiction territory from another municipality.

S.B. 1761 enables the transfer of extraterritorial jurisdiction and enables, under certain specified circumstances, the involuntary annexation of extraterritorial jurisdiction from a municipality with a population of at least 1.3 million, that has used limited purpose annexation, to a Type A municipality with a population of less than 7,500 if the Type A municipality is located in the same county with at least 75 percent of the incorporated area of the city with at least 1.3 million population.

S.B. 1761 also allows such an area to be annexed by small cities geographically adjacent to the area. These newly proposed annexed small cities could have a political impact that does not exist in a very large city to assure attention to their concerns.

As proposed, S.B. 1761 amends current law relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 42, Local Government Code, by adding Section 42.027, as follows:

Sec. 42.027. TRANSFER OF EXTRATERRITORIAL JURISDICTION BETWEEN CERTAIN HOME-RULE AND GENERAL-LAW MUNICIPALITIES. (a) Defines "accepting municipality" and "releasing municipality" in this section.

(b) Authorizes the governing body of an accepting municipality by resolution or ordinance to include in the accepting municipality's extraterritorial jurisdiction and exclude from the releasing municipality's extraterritorial jurisdiction, without the releasing municipality's consent, an area that is in the extraterritorial jurisdiction of the releasing municipality if the area:

(1) is not, as of September 30, 2012, identified for annexation by the releasing municipality in the releasing municipality's annexation plan under Section 43.052 (Municipal Annexation Plan Required); and

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

(c) Prohibits the total area authorized to be transferred from a releasing municipality's extraterritorial jurisdiction to an accepting municipality's extraterritorial jurisdiction under this section from exceeding in size the area contained in the corporate limits of the accepting municipality as of the date of the transfer.

(d) Authorizes an accepting municipality that has adopted a resolution or ordinance under Subsection (b) to, without consent, annex the following in the manner provided by Subchapter C (Annexation Procedure for Areas Annexed Under Municipal Annexation Plan), Chapter 43:

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

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

(e) Requires that an area to be transferred under this section be identified by a map and a metes and bounds description that is required to be attached to or included in the resolution or ordinance. Authorizes the map and metes and bounds description to not be established by an on-the-ground survey.

(f) Requires that a copy of the resolution or ordinance adopted by the accepting municipality be published once in a newspaper of general circulation within the accepting municipality and once in a newspaper of general circulation within the releasing municipality not later than the 30th day after the date the resolution or ordinance is adopted. Provides that if the newspaper in which publication is made is a newspaper of general circulation in both municipalities, only one publication of the copy of the resolution or ordinance is required.

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

(h) Provides that to the extent of any conflict, this section controls over another provision of a home-rule charter, this chapter, or Chapter 43 (Municipal Annexation) or any other provision of this code.

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

SECTION 2. Effective date: upon passage or September 1, 2013.